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CICERO PRO BALBO.

WITH INTRODUCTION, NOTES, &c.

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Univ. Corr. Coll. Tutorial Series.

CICERO

PRO BALBO.

WITH INTRODUCTION, NOTES, &c.

g. Moses and G.F.H Sykes
BY (THE EDITORS OF "CICERO DE AMICITIA.")



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HOW TO USE THIS BOOK.

Part I. consists of (a) Introduction, (b) Text, (c) Notes.
Part II. contains (a) Vocabularies, and (b) Test Papers.
Part III. contains a Translation.

Before commencing the TEXT read the INTRODUCTION, in order to obtain a general idea of the subject-matter, referring to it subsequently as occasion requires. In a final reading, immediately before the examination, all important points should be carefully committed to memory.

In reading the TEXT the chief object should be to *arrive at the meaning with as little help as possible*, while nevertheless ensuring perfect accuracy. There will probably occur, even in the first sentence, (a) some words which you do not know, and (b) some difficulty in seeing the exact construction. For the first, turn to the VOCABULARIES; for the second, to the NOTES. If there occur any words which you do not know and which do not appear in the Vocabulary, write them neatly down, with their meaning, in a double column upon the blank pages left for the purpose, adding genitive cases or principal parts, &c., exactly as has been done in the case of the printed words.

After doing your utmost to make out the passage in this way, turn to the TRANSLATION and see how far you were right. The Translation is not intended to save the reader the trouble of making out the meaning, but to serve as a test of his accuracy and to correct his errors. Beginners may find such a method as this somewhat slow

at first, but speed will soon be attained, while the memory will be strengthened in a degree otherwise unattainable.

Variant readings are not noticed in the NOTES, excepting when they differ from the University Correspondence College Text sufficiently to perplex the student if adopted by the examiners. When given, it is as well to write the variant reading in the margin of the text and to grasp the meaning and syntax of either reading in the same degree.

Make a point of looking up all references to the text which occur in the Notes, marking them, for the sake of future reference, with the number of the note in which they are mentioned.

The *subject-matter*, excepting in so far as it is explained in the Introduction, may as a rule be neglected on first reading the book; more thorough attention can thus be given to the *language*.

When reading the book for the first time, work through the *first* series of TEST PAPERS, leaving the *second* series for the second and subsequent perusals.

On reading the text through for the last time previous to the Examination, mark in Text, Notes, and Vocabularies such points as will require still a final revision.

PART I.

INTRODUCTION.

§ 1. **Marcus Tullius Cicero**, the greatest of Roman orators, was born at Arpinum in 106 B.C. His family was of equestrian rank, but had never held any office in Rome. Cicero was accordingly a *novus homo*, and his struggle to obtain the praetorship and consulship was on that account made harder. He was sent while still a young lad to Rome and there studied under the best masters, such as Archias. In B.C. 91 he assumed the *toga virilis*, and then attended the lectures of orators and lawyers. He was entrusted by his father to the special care of Mucius Scaevola the Augur, from whose side he hardly ever departed. At that time one of the easiest methods of obtaining fame and success was by means of oratory, and as Cicero had a natural talent for this art, he cultivated it in preference to devoting himself to a military life. However, he served, as was usual with young Romans who aspired to public office, one campaign, and this happened to be in the Social War (89 B.C.) under Cn. Pompeius Strabo (the father of Pompey the Great). For the next six years he took no part in public affairs, but devoted his time to the study of rhetoric and the various schools of philosophy; from Phaedrus he learned the Epicurean system, from Philo that of the New Academy, and from Diodotus that of the Stoics.

The first of his extant speeches is that *Pro P. Quinctio*, which was delivered in 81 B.C. Two years later, in a criminal trial, he defended Sextus Roscius Amerinus, whose

accuser was Chrysogonus, the powerful freedman of Sulla. It was very bold in Cicero to undertake this defence, but his boldness was equalled by his eloquence, and his success on this occasion placed him at once amongst the best orators of the day. Ill-health obliged him to retire to Athens, where he continued his study of rhetoric and philosophy for two years, returned to Rome in 77 B.C., and was elected quaestor in 76 B.C. He served this office in Sicily, and acquired golden opinions from the natives through his integrity, impartiality, and self-denial. In 74 B.C. he returned to Rome and again devoted himself to his profession as an advocate. In 70 B.C. he undertook the impeachment of Verres, who was charged by the Sicilians with having been guilty of misgovernment, oppression, and extortion during his quaestorship in Sicily from 73-71 B.C. Hortensius, the consul-elect for the following year, was Verres's advocate, and on behalf of his client was anxious that the trial should be delayed until the next year, when the presiding praetor would be more favourably disposed to the defendant. Cicero frustrated this attempt by getting his evidence ready in half the time allowed, and by opening his case very briefly and proceeding at once to the examination of his witnesses. The *In Verrem* as we possess it was not the speech he actually delivered, but a speech which he published after the trial as representing what he would have said had the case run the usual course. The result of Cicero's onslaught was that Verres departed at once into exile without even attempting a defence.

In 69 B.C. Cicero was aedile, in 66 B.C. praetor, and in 63 B.C. consul. During his consulship he had to deal with the famous conspiracy of Catiline. In his efforts to crush it Cicero imprisoned some of the participators in the plot, and ordered them to be put to death without being tried before the people. For his services on this occasion he received the thanks of the whole people, and was dignified by the name of *pater patriae*. But his enemy Clodius, by calling public attention to the illegal execution of the conspirators, brought about the orator's banishment in 58 B.C. Cicero's friends actively exerted themselves to procure his return, and succeeded in their efforts in 57 B.C. In 53 B.C.

he was admitted into the College of Augurs, and in the following year acted as proconsul and commanded the province of Cilicia, where he conducted some successful military operations.

It has been stated above that Cicero was a *novus homo*, and as such would naturally belong to the democratic party. From the date of his consulship, however, he seems to have attached himself to the *optimates*, or aristocratic party, and accordingly at the outbreak of the civil war in 49 B.C., after some hesitation, he joined Pompey, but subsequently, after the battle of Pharsalia in 48 B.C., he was reconciled to Caesar. After the death of Caesar, 44 B.C., an open rupture ensued between him and Antony, and Cicero gave vent to his anger and indignation in the famous 'Philippic Orations,' fourteen speeches, the finest and most renowned of which is the second. From the beginning of 43 B.C. until the end of April Cicero was in the height of his glory, but before the end of that year, in the proscription that followed upon the formation of the triumvirate, Cicero's name was, on the suggestion of Antony which was not opposed by Octavianus, put in the list of those doomed to immediate destruction. Soldiers were immediately sent in pursuit, and although his attendants wished to offer opposition, Cicero forbade them, and surrendered to his pursuers, by whom he was immediately killed.

In the foregoing sketch no mention has been made of Cicero's philosophical works, which were both numerous and important. His activity in this direction begins from his exile in 57 B.C.; in 55 B.C. he produced the *De Oratore*, in 54 B.C. the *De Re Publica*; and in 52 B.C. the *De Legibus*. This period of activity was followed by five years (51 to 46 B.C.) of comparative rest, but in 46 B.C. he wrote the *Hortensius* or *De Philosophia*, a treatise now lost, in addition to the *Partitiones Oratoriae*, the *Brutus* or *De Claris Oratoribus*, and the *Orator*. During the years 45 and 44 B.C. he wrote the *De Consolatione*, on the occasion of the death of his daughter Tullia; the *Academica*, an account of the new Academic Philosophy, which maintained that there was no such thing as certainty—we must be content with probability; the *Disputationes Tusculanae*,

treating of happiness and morality; the *De Natura Deorum*, the *De Divinatione* (on the subject whether gods communicate with men by means of augury, &c.), the *De Senectute*, the *De Amicitia*, the *De Fato* (an account of Fate and Freewill), the *Paradoxa* (an account of certain paradoxical opinions of the Stoics), the *De Officiis*, a treatise on duty, and the *De Finibus*, on the Highest Good.

So far we have dealt with Cicero's speeches and philosophical works. In addition to these must be mentioned (1) his Letters, of which he wrote a vast number, and of which more than 800 are preserved; (2) his poetical works, which were very poor in quality though not small in quantity—his chief poem was written on the subject of his consulship; and (3) his historical and miscellaneous works, *e.g.*, a prose account of his consulship, an account of his policy immediately previous to his consulship, &c.

§ 2. **L. Cornelius Balbus** was a native of Gades (*Cadiz*), in Spain, who had served under Pompey in the war against Sertorius (79–70 B.C.) with such distinction that his general rewarded him with the gift of the Roman citizenship (*civitas*). He then came to Rome, was adopted by Theophanes of Mitylene (§ 57), and so became heir to an immense property. He conducted a successful prosecution against a member of the *Tribus Clustumina*, which constituted him a member of that tribe (§§ 53, 57) as a reward for his efforts. His intimacy with the Triumvirs, Caesar, Pompey, and Crassus, provoked a jealousy which ended in his impeachment, **56 B.C.** Cicero undertook his defence, partly from friendship, partly from the desire to win the favour of the Triumvirs. Balbus was certainly acquitted, and continued active in Rome during the Civil Wars and the rule of Caesar. He was consul 40 B.C.—the first non-Roman to hold that office.

§ 3. **The Legal Question.**—By the constitution of Rome the gift of Roman citizenship could be made to an alien only by vote of the whole people assembled in the *Comitia Tributa*, and even a general must obtain the permission of the people for any such gift. Their exclusion from the

privileges of Roman citizens induced the Italian nations to take up arms in 91 B.C., and from that date arose the practice of a commander's bestowing the franchise upon specially deserving allies on the battlefield. The privilege, really illegal, was rarely used; and, when Pompey wished to bestow the *civitas* upon Balbus, he obtained permission to do so by the *Lex Gellia Cornelia* (72 B.C.). So far the enfranchisement of Balbus was perfectly legal.

But the prosecutor—we do not know who he was—argued that the town of Gades was a *civitas foederata*, or a state under definite treaty with Rome. Therefore no legislation of Rome which touched a citizen of Gades was valid unless the Gaditani had passed a law to the like effect. But, though this argument was perfectly true of legislation affecting the *whole state* of Gades, it did not apply to any particular and isolated case. Some treaties contained a special proviso that no citizen of the alien state should be admitted to the Roman *civitas*; and it was not unusual for a whole community, when offered that *civitas*, to decline it. Neither of these points applied to the case of the *Gaditani*, who, on the contrary, were eager in their support of Balbus, who was their *patronus* (§ 41), or representative, in Rome. Finally, if it were argued that the *Lex Gellia Cornelia* could not override the terms of the original treaty (*foedus*) with Gades, Cicero answers that that treaty was not formal, but only informally ratified (§ 33), and therefore of less authority than a special and formal *plebiscitum* such as the *Lex Gellia*.

§ 4. Analysis of the Speech.

§§ 1–4, and 8.—Cicero apologises for speaking, especially after Pompey's speech of the previous day. § 5. Pompey's action must be legal, or he would not have done as he did. §§ 6, 7. The merits of Balbus are enumerated. §§ 9–13. A sketch of Pompey's career and appeal to the jury as to the likelihood of his wittingly doing wrong. §§ 14–16. Nor did he do so unwittingly,† for he is peculiarly well versed in all the legal points connected with the gift of *civitas*. §§ 17, 18. Recapitulation of the foregoing remarks.

So far, the speech has avoided the actual legal point at

issue, and has been devoted to exciting sympathy with Balbus and Pompey. The remaining sections are occupied by special arguments.

§§ 19-22. It is not true that no citizen of a *civitas foederata* may benefit by the *Lex Gellia* except by consent of his own state. §§ 22-26. It is lawful to enfranchise even slaves; much more so to reward deserving aliens by what they covet most. §§ 27-31. It has always been understood that any alien might acquire the Roman franchise if Rome was willing to give it. The only condition of its tenure is that no one may be at once a citizen of Rome and of another state. §§ 32-37. Special clauses in treaties against an alien receiving the *civitas Romana* only prove that, otherwise, Rome may bestow it at pleasure, even if the *Lex Gellia* does not override any such clause. At any rate, the *foedus* with Gades is not sacrosanct, so that the *Lex Gellia* certainly overrides this particular *foedus*. §§ 38-44. The Gaditani are doing all they can to help Balbus' claim. §§ 45-51. And there are many and unquestioned instances of action exactly similar to that of Pompey in this case. §§ 52-55. No such gift of the *civitas* has ever been revoked, and there are special facilities for its acquirement both in law and custom. §§ 55 *ad fin.* This prosecution is entirely due to envy of Balbus and Pompey. It is time such envy ceased. Cicero himself has set the example by forgiving his most powerful political enemies.

M. TULLI CICERONIS
PRO L. CORNELIO BALBO ORATIO.

I. 1. Si auctoritates patronum in iudiciis valere debent, ab amplissimis viris L. Corneli causa defensa est, si usus, a peritissimis, si ingenia, ab eloquentissimis, si studia, ab amicissimis et cum beneficiis cum L. Cornelio, tum maxima familiaritate coniunctis. Quae sunt igitur meae partes? Auctoritatis tantae, quantam vos in me esse voluistis, usus mediocris, ingenii minime voluntati parus. Nam ceteris, a quibus est defensus, hunc debere plurimum video; ego quantum ei debeam, alio loco; (2) principio orationis hoc pono, me omnibus, qui amici fuerint salutis et dignitati meae, si minus referenda gratia satis facere potuerim, praedicanda et habenda certe satis esse facturum. Quae fuerit hesterno die Cn. Pompei gravitas in dicendo, iudices, quae facultas, quae copia, non opinione tacita vestrorum animorum, sed perspicua admiratione declarari videbatur. Nihil enim umquam audivi, quod mihi de iure subtilius dici videretur, nihil memoria maiore de exemplis, nihil peritius de foederibus, nihil illustriore auctoritate de bellis, nihil de re publica gravius, nihil de ipso modestius, nihil de causa et crimine ornatius, (3) ut mihi iam verum videatur illud esse, quod non nulli litteris ac studiis doctrinae dediti quasi quiddam incredibile dicere putabantur, ei, qui omnes animo virtutes penitus comprehendisset, omnia, quae faceret, recte se dare. Quae enim in L. Crasso potuit, homine nato ad dicendi singularem quandam facultatem, si hanc causam ageret, maior esse ubertas, varietas, copia, quam fuit in eo, qui tantum potuit impertire huic studio temporis, quantum ipse a pueritia usque ad hanc aetatem a continuis bellis et victoriis conquievit? 4. Quo mihi difficilior est hic extremus perorandi locus. Etenim ei succedo orationi, quae non praetervecta sit aures vestras, sed in animis omnium penitus insederit, ut plus voluptatis ex recordatione illius orationis quam non modo ex mea, sed ex cuiusquam oratione capere possitis. II. Sed mos est gerundus non modo Cornelio,

cuius ego voluntati in eius periculis nullo modo cedere possum, sed etiam Cn. Pompeio, qui sui facti, sui iudicii, sui beneficii voluit me esse, ut apud eosdem vos, iudices, nuper in alia causa fuerim, et praedivatorem et actorem.

5. Ac mihi quidem hoc dignum re publica videtur, hoc deberi huius excellentis viri praestantissimae gloriae, hoc proprium esse vestri officii, hoc satis esse causae, ut, quod fecisse Cn. Pompeium constet, id omnes ei licuisse concedant. Nam verius nihil est, quam quod hesterno die dixit ipse, ita L. Cornelium de fortunis omnibus dimicare, ut nullius in delicti crimen vocaretur. Non enim furatus esse civitatem, non genus suum ementitus, non in aliquo impudenti mendacio delituisse, non inrepsisse in censum dicitur; unum obicitur, natum esse Gadibus; quod negat nemo. Cetera accusator fatetur, hunc in Hispania durissimo bello cum Q. Metello, cum C. Memmio et in classe et in exercitu fuisse, ut Pompeius in Hispaniam venerit Memmianque habere quaestorem coeperit, numquam a Memmio discessisse, Carthagine esse opsessum, acerrimis illis proeliis et maximis, Sucronensi et Turiensi, interfuisse, cum Pompeio ad extremum belli tempus fuisse. 6. Haec sunt propria Corneli, pietas in rem publicam nostram, labor, assiduitas, dimicatio, virtus digna summo imperatore, spes pro periculis praemiorum; praemia quidem ipsa non sunt in eius facto, qui adeptus est, sed in eius, qui dedit. III. Donatus est igitur ob eas causas a Cn. Pompeio civitate. Id accusator non negat, sed reprehendit, ut in Cornelio causa ipsius probetur, poena quaeratur, in Pompeio causa laedatur. poena sit nulla nisi famae. Sic innocentissimi hominis fortunas, praestantissimi imperatoris factum condemnari volunt. Ergo in iudicium caput Corneli, factum Pompei vocatur. Hunc enim in ea civitate, in qua sit natus, honestissimo loco natum esse concedis et ab ineunte aetate relictis rebus suis omnibus in nostris bellis nostris cum imperatoribus esse versatum, nullius laboris, nullius opsessionis, nullius proelii expertem fuisse. Haec sunt omnia cum plena laudis, tum propria Corneli, nec in iis rebus crimen est ullum. 7. Ubi igitur est crimen? Quod eum Pompeius civitate donavit. Huius crimen? Minime, nisi honos ignominia putanda est. Cuius igitur? Re vera nullius, actione accusatoris eius unius, qui donavit. Qui si adductus gratia minus idoneum hominem praemio adfecisset, quin etiam si virum bonum, sed non ita meritum, si denique aliquid non contra, ac liceret, factum diceretur, sed contra, atque oporteret, tamen esset omnis eius modi reprehensio a vobis, iudices, repudianda. 8. Nunc vero quid dicitur? quid ait accusator? Fecisse

Pompeium, quod ei facere non licuerit; quod gravius est, quam si id factum ab eo diceret, quod non oportuisset. Est enim aliquid, quod non oporteat, etiamsi licet; quicquid vero non licet, certe non oportet.

IV. Hic ego nunc cuncter sic agere, iudices, non esse fas dubitari, quin, quod Cn. Pompeium fecisse constet, id non solum licuisse, sed etiam decuisse fateamur? 9. Quid enim abest huic homini, quod si adesset, iure haec ei tribui et concedi putarem? Ususne rerum? Qui pueritiae tempus extremum principium habuit bellorum atque imperiorum maximorum, cuius plerique aequales minus saepe castra viderunt, quam hic triumphavit, qui tot habet triumphos, quot orae sunt partesque terrarum, tot victorias bellicas, quot sunt in rerum natura genera bellorum. An ingenium? Cui etiam ipsi casus eventusque rerum non duces, sed comites consiliorum fuerunt, in quo uno ita summa fortuna cum summa virtute certavit, ut omnium iudicio plus homini quam deae tribueretur. An pudor, an integritas, an religio in eo, an diligentia umquam requisita est? Quem provinciae nostrae, quem liberi populi, quem reges, quem ultimae gentes castiorem, moderatiorem, sanctiorem non modo viderunt, sed aut sperando umquam aut optando cogitaverunt? 10. Quid dicam de auctoritate? quae tanta est, quanta in his tantis virtutibus ac laudibus esse debet. Cui senatus populusque Romanus amplissimae dignitatis praemia dedit non postulanti, imperia vero etiam recusanti, huius de facto, iudices, ita quaeri, ut id agatur, licueritne ei facere, quod fecit, an vero non dicam non licuerit, sed nefas fuerit (contra foedus enim, id est contra populi Romani religionem et fidem, fecisse dicitur), non turpe populo Romano, non[ne] vobis? V. 11. Audivi hoc de parente meo puer, cum Q. Metellus L. f. causam de pecuniis repetundis diceret, ille vir, cui patriae salus dulcior quam conspectus fuit, qui de civitate decedere quam de sententia maluit—hoc igitur causam dicente cum ipsius tabulae circumferrentur inspiciendi nominis causa, fuisse iudicem ex illis equitibus Romaniis gravissimis viris neminem, quin removeret oculos et se totum averteret, ne forte, quod ille in tabulas publicas retulisset, dubitasse quisquam, verumne an falsum esset, videretur; nos Cn. Pompei decretum [iudicium] de consilii sententia pronuntiatum recognoscemus, cum legibus conferemus, cum foederibus, omnia acerbissima diligentia perpendemus? 12. Athenis aiunt cum quidam. apud eos qui sancte graviterque vixisset, testimonium publice dixisset et. ut mos Graecorum est, iurandi causa ad aras accederet, una voce omnes iudices, ne

is inraret, reclamasse. Cum Graeci homines spectati viri noluerint religione videri potius quam veritate fidem esse constrictam, nos, etiam in ipsa religione et legum et foederum conservanda qualis fuerit Cn. Pompeius, dubitabimus? 13. Utrum enim scientem vultis contra foedera fecisse an inscientem? Si scientem, o nomen nostri imperii! o populi Romani excellens dignitas! o Cn. Pompei sic late longaeque diffusa laus, ut eius gloriae domicilium communis imperii finibus terminetur! o nationes, urbes, populi, reges, tetrarchae, tyranni testes Cn. Pompei non solum virtutis in bello, sed etiam religionis in pace! vos denique, ^{varietate} mutae regiones, inploro, et sola terrarum ultimarum, vos, maria, portus, insulae, litora! Quae est enim ora, quae sedes, qui locus, in quo non extent huius cum fortitudinis, tum vero humanitatis, cum animi, tum ^{causis} consilii ^{prudens} inpressa vestigia? Hunc quisquam incredibili quadam atque inaudita gravitate, virtute, constantia praeditum foedera scientem neglexisse, violasse, rupisse dicere audebit? VI. 14. Gratificatur mihi gestu accusator, inscientem Cn. Pompeium fecisse significat. Quasi vero non levius sit, cum in tanta re publica versere et maximis negotiis praesis, facere aliquid, quod scias non licere, quam omnino non scire, quid liceat. Etenim utrum, qui in Hispania bellum acerrimum et maximum gesserat, quo iure Gaditana civitas esset, nesciebat an, cum ius illius populi nosset, interpretationem foederis non tenebat? Id igitur quisquam Cn. Pompeium ignorasse dicere audebit, quod mediocres homines, quod nullo usu, nullo studio praediti militari, quod librarioli denique se scire profiteantur? 15. Equidem contra existimo, iudices, cum in omni genere ac varietate artium, etiam illarum, quae sine summo otio non facile discuntur, Cn. Pompeius excellat, singularem quandam laudem eius praestabilem esse scientiam in foederibus, pactionibus, condicionibus populorum, regum, exterarum nationum, in universo denique belli iure atque pacis; nisi forte ea, quae nos libri docent in umbra atque otio, ea Cn. Pompeium neque, cum requiesceret, litterae neque, cum rem gereret, regiones ipsae docere potuerunt.

Atque, ut ego sentio, iudices, causa dicta est. Temporum magis ego nunc vitiis quam genere iudicii plura dicam. Est enim haec saeculi quaedam macula atque labes, virtuti invidere, velle ipsum florem dignitatis infringere. 16. Etenim, si Pompeius abhinc annos quingentos fuisset, is vir, a quo senatus adulescentulo atque equite Romano saepe communi saluti auxilium expetisset, cuius res gestae omnis gentes cum clarissima victoria terra marique peragrassent, cuius tres triumphii testes essent totum orbem terrarum nostro imperio

teneri, quem populus Romanus inauditis honoribus singularibusque decorasset, si nunc apud nos id, quod is fecisset, contra foedus factum diceretur, quis audiret? Nemo profecto. Mors enim cum extinxisset invidiam, res eius gestae sempiterni nominis gloria niterentur. Cuius igitur audita virtus dubitationi locum non daret, huius visa atque perspecta optrectatorum voce laedatur?

VII. 17. Omittam igitur Pompeium iam oratione mea reliqua, sed vos, iudices, animis ac memoria tenetote. De lege, de foedere, de exemplis, de perpetua consuetudine civitatis nostrae renovabo ea, quae dicta sunt. Nihil enim mihi novi, nihil integri neque M. Crassus, qui totam causam et pro facultate et pro fide sua diligentissime vobis explicavit, neque Cn. Pompeius, cuius oratio omnibus ornamentis abundavit, ad dicendum reliquit. Sed quoniam me recusante placuit ambobus adhiberi hunc a me quasi perpoliendi quendam operis extremum laborem, peto a vobis, ut me officii potius quam dicendi studio hanc suscepisse operam ac munus putetis. 18. Ac, priusquam adgrediar ad ius causamque Corneli, quiddam de communi condicione omnium nostrum deprecandae malivolentiae causa breviter commemorandum videtur. Si, quo quisque loco nostrum est, iudices, natus, aut si, in qua fortuna est nascendi initio constitutus, hunc vitae statum usque ad senectutem optinere deberet, et si omnes, quos aut fortuna extulit aut ipsorum inlustravit labor et industria, poena essent adficiendi, non gravior L. Cornelio quam multis viris bonis atque fortibus constitui lex vitae et condicio videretur. Sin autem multorum virtus, ingenium, humanitas ex infimo genere et fortunae gradu non modo amicitias et rei familiaris copias consecuta est, sed summam laudem, honores, gloriam, dignitatem, non intellego, qui potius invidia violatura virtutem L. Corneli quam aequitas vestra pudorem eius adiutura videatur. 19. Itaque, quod maxime petendum est, a vobis idcirco non peto, iudices, ne de vestra sapientia atque de vestra humanitate dubitare videar. Est autem petendum, ne oderitis ingenium, ne inimici sitis industriae, ne humanitatem opprimendam, ne virtutem poeniendam putetis. Illud peto, ut, si causam ipsam per se firmam esse et stabilem videritis, hominis ipsius ornamenta adimenta causae potius quam impedimento esse malitis.

VIII. Nascitur, iudices, causa Corneli ex ea lege, quam L. Gellius Cn. Cornelius ex senatus sententia tulerunt; qua lege videmus satis esse sancti, ut cives Romani sint ii, quos Cn. Pompeius de consilii sententia singillatim civitate donaverit. Donatum esse L. Cornelium praesens Pompeius

dicit, indicant publicae tabulae, accusator fatetur, sed negat ex foederato populo quemquam potuisse, nisi is populus fundus factus esset, in hanc civitatem venire. 20. O praeclarum interpretem iuris, auctorem antiquitatis, correctorem atque emendatorem nostrae civitatis, qui hanc poenam foederibus adscribat, ut omnium praemiorum beneficiorumque nostrorum expertis faciat foederatos! Quid enim potuit dici imperitius quam foederatos populos fieri fundos oportere? Nam id non magis est proprium foederatorum quam omnium liberorum. Sed totum hoc, iudices, in ea fuit positum semper ratione atque sententia, ut, cum iussisset populus Romanus aliquid, si id adscivissent socii populi ac Latini, et si ea lex, quam nos haberemus, eadem in populo aliquo tamquam in fundo resedisset, ut tum lege eadem is populus teneretur, non ut de nostro iure aliquid demineretur, sed ut illi populi aut iure eo, quod a nobis esset constitutum, aut aliquo commodo aut beneficio uterentur. 21. Tulit apud maiores nostros legem C. Furius de testamentis, tulit Q. Voconius de mulierum hereditatibus, innumerabiles aliae leges de civili iure sunt latae; quas Latini voluerunt, adsciverunt; ipsa denique Iulia [qua] lege civitas *ita* est sociis et Latinis data, ut, qui fundi populi facti non essent, civitatem non haberent. In quo magna contentio Heraclensium et Neapolitanorum fuit, cum magna pars in iis civitatibus foederis sui libertatem civitati anteferet. Postremo haec vis est istius et iuris et verbi, ut fundi populi beneficio nostro, non suo iure fiant. 22. Cum aliquid populus Romanus iussit, id si est eius modi, ut quibusdam populis sive foederatis sive liberis permittendum esse videatur, ut statuant ipsi non de nostris, sed de suis rebus, quo iure uti velint, tum, utrum fundi facti sint an non, quaerendum esse videtur; de nostra vero re publica, de nostro imperio, de nostris bellis, de victoria, de salute fundos populos fieri noluerunt. IX. Atqui, si imperatoribus nostris, si senatui, si populo Romano non licebit propositis praemiis elicere ex civitatibus sociorum atque amicorum fortissimum atque optimum quemque ad subeunda pro salute nostra pericula, summa utilitate ac maximo saepe praesidio periculosis atque asperis temporibus carendum nobis erit. 23. Sed per deos immortales! quae est ista societas, quae amicitia, quod foedus, ut aut nostra civitas careat in suis periculis Massiliensi propugnatore, careat Gaditano, careat Saguntino, aut, si quis ex his populis sit exortus, qui nostros duces auxilio laboris, commeatus periculo suo iuverit, qui cum hoste nostro comminus in acie saepe pugnarit, qui se saepe telis hostium, qui dimicationi capitis, qui morti obiecerit, nulla condicione huius

civitatis praemiis adfici possit? 24. Etenim in populum Romanum grave est non posse uti sociis excellenti virtute praeditis, qui velint cum periculis nostris sua communicare; in socios vero ipsos et in eos, de quibus agimus, foederatos iniuriosum et contumeliosum est iis praemiis et iis honoribus exclusos esse fidelissimos et coniunctissimos socios, quae pateant stipendiariis, pateant hostibus, pateant saepe servis. Nam stipendiarios ex Africa, Sicilia, Sardinia, ceteris provinciis multos civitate donatos videmus, et, qui hostes ad nostros imperatores per fugissent et magno usui rei publicae nostrae fuissent, scimus civitate esse donatos; servos denique, quorum ius, fortuna, condicio infima est, bene de re publica meritos persaepe libertate, id est civitate, publice donari videmus.

✓ X. 25. Hanc tu igitur, patrone foederum ac foederatorum, condicionem statuis Gaditanis, tuis civibus, ut, quod iis, quos magnis adiuti opibus a maioribus tuis armis subegimus atque in dicionem nostram redeimus, liceat, si populus Romanus per miserit, ut ab senatu et ab imperatoribus nostris civitate donentur, id ne liceat ipsis? Qui si suis decretis legibusve sanxissent, ne quis suorum civium castra imperatorum populi Romani iniret, ne quis se pro nostro imperio in periculum capitis atque in vitae discrimen inferret, Gaditanorum auxilii, cum vellemus, uti nobis ut liceret, privatus vero ne quis vir et animo et virtute praecellens pro nostro imperio periculo suo dimicaret, graviter id iure ferremus, minui auxilia populi Romani, debilitari animos fortissimorum virorum, alienigenarum nos hominum studiis atque externa virtute privari. 26. Atqui nihil interest, iudices, utrum haec foederati iura constituent, ut ne cui liceat ex iis civitatibus ad nostrorum bellorum pericula accedere, an, quae nos eorum civibus virtutis causa tribuerimus, ea rata esse non possint. Nihilo enim magis uteremur iis adiutoribus sublatis virtutis praemiis, quam si omnino iis versari in nostris bellis non liceret. Etenim, cum pro sua patria pauci post genus hominum natum reperti sint qui nullis praemiis propositis vitam suam hostium telis obiecerint, pro aliena re publica quemquam fore putatis qui se opponat periculis non modo nullo proposito praemio, sed etiam interdicto?

✓ XI. 27. Sed cum est illud inperitissime dictum de populis fundis, quod commune liberorum est populorum, non proprium foederatorum, ex quo intellegi necesse est aut neminem ex sociis civem fieri posse aut etiam posse ex foederatis, tum vero ius omne nostrum iste magister mutandae civitatis ignorat, quod est, iudices, non solum in legibus publicis positum, sed

etiam in privatorum voluntate. Iure enim nostro neque mutare civitatem quisquam invitus potest neque, si velit, mutare non potest, modo adsciscatur ab ea civitate, cuius esse se civitatis velit. Ut, si Gaditani sciverint nominatim de aliquo cive Romano, ut sit is civis Gaditanus, magna potestas sit nostro civi mutandae civitatis, nec foedere impediatur, quo minus ex cive Romano civis Gaditanus possit esse. 28. Duarum civitatum civis noster esse iure civili nemo potest; non esse huius civitatis, qui se alii civitati dicarit, potest. Neque solum dicatione, quod in calamitate clarissimis viris Q. Maximo, C. Laenati, Q. Philippo Nuceriae; C. Catoni Tarracone, Q. Caepioni, P. Rutilio Zmyrnae vidimus accidisse, ut earum civitatum fierent cives, cum hanc ante amittere non potuissent, quam hoc solum civitatis mutatione vertissent, sed etiam postliminio potest civitatis fieri mutatio. Neque enim sine causa de Cn. Publicio Menandro, libertino homine, quem apud maiores legati nostri in Graeciam proficiscentes interpretem secum habere voluerunt, ad populum latum est, ut is Publicius, si domum revenisset et inde Romam redisset, ne minus civis esset. Multi etiam superiore memoria cives Romani sua voluntate indemnati et incolumes his rebus relictis alias se in civitates contulerunt.

XII. 29. Quodsi civi Romano licet esse Gaditanum sive exilio sive postliminio sive reiectione huius civitatis (ut iam ad foedus veniam, quod ad causam nihil pertinet; de civitatis enim iure, non de foederibus disceptamus), quid est, quam ob rem civi Gaditano in hanc civitatem venire non liceat? Equidem longe secus sentio. Nam cum ex omnibus civitatibus via sit in nostram, cumque nostris civibus pateat ad ceteras iter civitates, tum vero, ut quaeque nobiscum maxime societate, amicitia, sponsione, pactione, foedere est coniuncta, ita mihi maxime communiōe beneficiorum, praemiorum, civitatis contineri videtur. Atqui ceterae civitates omnes non dubitent nostros homines recipere in suas civitates, si idem nos iuris haberemus quod ceteri. Sed nos non possumus et huius esse civitatis et cuiusvis praeterea; ceteris concessum est. 30. Itaque in Graecis civitatibus videmus Atheniensis, Rhodios, Lacedaemonios, ceteros undique adscribi multarumque esse eosdem homines civitatum. Quo errore ductos vidi egomet non nullos imperitos homines nostros civis Athenis in numero iudicum atque Areopagitarum certa tribu, certo numero, cum ignorarent, si illam civitatem essent adepti, hanc se perdidisse, nisi postliminio reciperassent. Peritus vero nostri moris ac iuris nemo umquam, qui hanc civitatem retinere vellet, in aliam se civitatem dicavit.

XIII. Sed hic totus locus disputationis atque orationis meae, iudices, pertinet ad commune ius mutandarum civitatum; nihil habet, quod sit proprium religionis ac foederum. Defendo enim rem universam, nullam esse gentem ex omni regione terrarum neque tam dissidentem a populo Romano odio quodam atque discidio neque tam fide benivolentiaque coniunctam, ex qua nobis interdictum sit ne quem adsciscere civem aut civitate donare possimus. 31. O iura praeclara atque divinitus iam inde a principio Romani nominis a maioribus nostris comparata, ne quis nostrum plus quam unius civitatis esse possit (dissimilitudo enim civitatum varietatem iuris habeat necesse est), ne quis invitum civitate mutetur neve in civitate maneat invitum! Haec sunt enim fundamenta firmissima nostrae libertatis, sui quemque iuris et retinendi et dimittendi esse dominum. Illud vero sine ulla dubitatione maxime nostrum fundavit imperium et populi Romani nomen auxit, quod princeps ille creator huius urbis, Romulus, foedere Sabino docuit etiam hostibus recipiendis augeri hanc civitatem oportere. Cuius auctoritate et exemplo numquam est intermissa a maioribus nostris largitio et communicatio civitatis. Itaque et ex Latio multi, ut Tusculani, ut Lanuvini, et ex ceteris regionibus gentes universae in civitatem sunt receptae, ut Sabinorum, Volscorum, Hernicorum; quibus ex civitatibus nec coacti essent civitate mutari, si qui nolissent, nec, si qui essent civitatem nostram beneficio populi Romani consecuti, violatum foedus eorum videretur.

XIV. 32. Etenim quaedam foedera exstant, ut Cenomanorum, Insubrium, Helvetiorum, Iapydum, non nullorum item ex Gallia barbarorum, quorum in foederibus exceptum est, ne quis eorum a nobis civis recipiatur. Quod si exceptio facit ne liceat, ubi non sit exceptum, ibi necesse est licere. Ubi est igitur in foedere Gaditano, ne quem populus Romanus Gaditanum recipiat civitate? Nusquam. Ac sicubi esset, lex id Gellia et Cornelia, quae definite potestatem Pompeio civitatem donandi dederat, sustulisset. "Exceptum," inquit, "est foedus, siquidem sacrosanctum est." Ignosco tibi, si neque Poenorum iura calles (reliqueras enim civitatem tuam) neque nostras potuisti leges inspicere; ipsae enim te a cognitione sua iudicio publico reppulerunt. 33. Quid fuit in rogatione ea, quae de Pompeio a Gellio et a Lentulo consulibus lata est, in quo aliquid sacrosanctum exceptum videretur? Primum enim sacrosanctum esse nihil potest, nisi quod populus plebesve sanxit; deinde sanctiones sacrandae sunt aut genere ipso aut obtestatione et consecratione legis aut poenae, cum caput eius, qui contra fecerit, consecratur. Quid habes igitur dicere de

Gaditano foedere eius modi? utrum capitibus consecratione an obtestatione legis sacrosanctum esse confirmas? Nihil omnino umquam de isto foedere ad populum, nihil ad plebem latum esse neque legem neque poenam consecratam esse dico. De quibus igitur etiamsi latum esset ne quem civem recipere-mus, tamen id esset, quod postea populus iussisset, ratum nec quicquam illis verbis "SI QUID SACROSANCTUM EST" esse exceptum videretur, de iis cum populus Romanus nihil umquam iusserit, quicquam audes dicere sacrosanctum fuisse? XV. 34. Nec vero oratio mea ad infirmatum foedus Gaditanorum, iudices, pertinet. Neque enim est meum contra ius optime meritae civitatis, contra opinionem vetustatis, contra auctoritatem senatus dicere. Duris enim quondam temporibus rei publicae nostrae, cum praepotens terra marique Carthago nixa duabus Hispaniis huic imperio immineret, et cum duo fulmina nostri imperii subito in Hispania, Cn. et P. Scipiones, extincti occidissent, L. Marcius, primi pili centurio, cum Gaditanis foedus icisse dicitur. Quod cum magis fide illius populi, iustitia nostra, vetustate denique ipsa quam aliquo publico vinculo religionis teneretur, sapientes homines et publici iuris periti, Gaditani, M. Lepido Q. Catulo consulibus a senatu de foedere postulaverunt. Tum est cum Gaditanis foedus vel renovatum vel ictum; de quo foedere populus Romanus sententiam non tulit, qui iniussu suo nullo pacto potest religione obligari. 35. Ita Gaditana civitas, quod beneficiis suis erga rem publicam nostram consequi potuit, quod imperatorum testimoniis, quod vetustate, quod Q. Catuli, summi viri, auctoritate, quod iudicio senatus, quod foedere, consecuta est; quod publica religione sanciri potuit, id abest; populus enim se nusquam obligavit. Neque ideo est Gaditanorum causa deterior; gravissimis enim et plurimis rebus est fulta. Sed isti disputationi hic certe nihil est loci. Sacrosanctum enim nihil potest esse, nisi quod per populum plebemve sanctum est. XVI. Quodsi hoc foedus, quod populus Romanus auctore senatu, commendatione et iudicio vetustatis, voluntate et sententiis suis comprobatur, idem suffragiis comprobasset, quid erat, cur ex ipso foedere Gaditanum in civitatem nostram recipi non liceret? Nihil est enim aliud in foedere, nisi ut "PIA ET AETERNA PAX" sit. Quid id ad civitatem? Adiunctum illud etiam est, quod non est in omnibus foederibus: "MAIESTATEM POPULI ROMANI COMITER CONSERVANTO." Id habet hanc vim, ut sint illi in foedere inferiores. 36. Primum verbi genus hoc "conser-vanto," quo magis in legibus quam in foederibus uti solemus, imperantis est, non precantis. Deinde, cum alterius populi

maiestas conservari iubetur, de altero siletur, certe ille populus in superiore condicione causaque ponitur, cuius maiestas foederis sanctione defenditur. In quo erat accusatoris interpretatio indigna responsione, qui ita dicebat "comiter" esse "communiter," quasi vero priscum aliquod aut insolitum verbum interpretaretur. Comes benigni, faciles, suaves homines esse dicuntur; "qui erranti comiter monstrat viam," benigne, non gravate; "communiter" quidem certe non convenit. Et simul absurda res est caveri foedere, ut maiestatem populi Romani "communiter" conservent, id est ut populus Romanus suam maiestatem esse salvam velit. Quodsi iam ita esset, ut esse non potest, tamen de nostra maiestate, nihil de illorum caveretur. Potestne igitur nostra maiestas a Gaditanis benigne conservari, si ad eam retinendam Gaditanos praemiis elicere non possumus? Potest esse ulla denique maiestas, si impedimur, quo minus per populum Romanum beneficiorum virtutis causa tribuendorum potestatem imperatoribus nostris deferamus?

XVII. 38. Sed quid ego disputo, quae mihi tum, si Gaditani contra me dicerent, vere posse dici viderentur? Illis enim repetentibus L. Cornelium responderem legem populum Romanum iussisse de civitate tribuenda; huic generi legum fundos populos fieri non solere; Cn. Pompeium de consilii sententia civitatem huic dedisse, nullum populi nostri iussum Gaditanos habere; itaque nihil esse sacrosanctum, quod lege exceptum videretur; si esset, tamen in foedere nihil esse cautum praeter pacem; additum esse etiam illud, ut maiestatem illi nostram conservare deberent, quae certe minueretur, si aut adiutoribus illorum civibus uti in bellis nobis non liceret aut praemii tribuendi potestatem nullam haberemus. 39. Nunc vero quid ego contra Gaditanos loquar, cum id, quod defendo, voluntate eorum, auctoritate, legatione ipsa comprobetur? qui a principio sui generis aut studio rei publicae ii ab omni studio sensuque Poenorum mentes suas ad nostrum imperium nomenque flexerunt; qui, cum maxima bella nobis inferrentur, eos a quibus inferrentur, moenibus excluserunt, classibus insecuti sunt, corporibus, opibus, copiis depulerunt; qui et veterem illam speciem foederis Marciani semper omni sanctionem ara duxerunt et hoc foedere Catuli senatusque auctoritate se nobiscum coniunctissimos esse arbitrati sunt; quorum moenia, delubra, agros ut Hercules itinerum ac laborum suorum, sic maiores nostri imperii ac nominis populi Romani terminos esse voluerunt. 40. Testantur et mortuos nostros imperatores, quorum vivit immortalis memoria et gloria, Scipiones, Brutos, Horatios, Cassios, Metellos, et hunc prae-

sentem Cn. Pompeium, quem procul ab illorum moenibus acre et magnum bellum gerentem commeatu pecuniaque iuverunt, et hoc tempore ipsum populum Romanum, quem in caritate annonae, ut saepe ante fecerant, frumento suppeditato levarunt, se hoc ius esse velle, ut sibi et liberis, si qui eximia virtute fuerit, sit in nostris castris, sit in imperatorum praetoriis, sit denique inter signa atque in acie locus, sit his gradibus ascensus etiam ad civitatem. XVIII. 41. Quodsi Afris, si Sardis, si Hispanis agris stipendioque multatis virtute adipisci licet civitatem, Gaditanis autem officiis, vetustate, fide, periculis, foedere coniunctis hoc idem non licebit, non foedus sibi nobiscum, sed iniquissimas leges inpositas a nobis esse arbitrabuntur. Atque hanc, iudices, non a me fingi orationem, sed me dicere, quae Gaditani iudicant, res ipsa declarat. Hospitium multis annis ante hoc tempus cum L. Cornelio Gaditanos fecisse publice dico. Proferam tesseram; legatos excito: laudatores ad hoc iudicium summos homines ac nobilissimos deprecatores huius periculi missos videtis; re denique multo ante Gadibus inaudita, fore ut huic ab illo periculum crearetur *** gravissima autem in istum civem suum Gaditani senatus consulta fecerunt. 42. Potuit magis fundus populus Gaditanus fieri, quoniam hoc magnopere delectare verbo, si tum fit fundus, cum scita ac iussa nostra sua sententia comprobatur, quam cum hospitium fecit, ut et civitate illum mutatum esse fateretur et huius civitatis honore dignissimum iudicaret? potuit certius interponere iudicium voluntatis suae, quam cum etiam accusatorem huius multa et poena notavit? potuit magis de re iudicare, quam cum ad vestrum iudicium civis amplissimos legavit testis huius iuris, vitae laudatores, periculi deprecatores? 43. Etenim quis est tam demens, quin sentiat ius hoc Gaditanis esse retinendum, ne saeptum sit iis iter in perpetuum ad hoc amplissimum praemium civitatis, et magnopere iis esse laetandum huius L. Corneli benivolentiam erga suos remanere Gadibus, gratiam et facultatem commendandi in hac civitate versari? Quis est enim nostrum, cui non illa civitas sit huius studio, cura, diligentia commendatior? XIX. Omitto, quantis ornamentis populum istum C. Caesar, cum esset in Hispania praetor, adfecerit, controversias sedarit, iura ipsorum permissu staverit, inveteratam quandam barbariam ex Gaditanorum moribus disciplinaque delerit, summa in eam civitatem huius rogatu studia et beneficia contulerit. Multa praetereo, quae cotidie labore huius et studio aut omnino aut certe facilius consequantur. Itaque et adsunt principes civitatis et defendunt amore ut suum civem, testimonio ut nostrum, officio ut ex nobilissimo civi

sanctissimum hospitem, studio ut diligentissimum defensorem commodorum suorum. 44. Ac ne ipsi Gaditani arbitrentur, quamquam nullo incommodo adficientur, si liceat eorum cives virtutis causa in nostram civitatem venire, tamen hoc ipso inferius esse suum foedus quam ceterorum, consolabor et hos praesentis viros optimos et illam fidelissimam atque amicissimam nobis civitatem simul et vos non ignorantis, iudices, admonebo, quo de iure hoc iudicium constitutum sit, de eo numquam omnino esse dubitatum.

45. Quos igitur prudentissimos interpretes foederum, quos peritissimos bellici iuris, quos diligentissimos in exquirendis condicionibus civitatum atque causis esse arbitramur? Eos profecto, qui iam imperia ac bella gesserunt. XX. Etenim, si Q. Scaevola ille augur, cum de iure praedatorio consulere, homo iuris peritissimus consultores suos non numquam ad Furium et Cascellium praedatores reiciebat, si nos de aqua nostra Tusculana M. Tugionem potius quam C. Aquilium consulebamus, quod adsiduus usus uni rei deditus et ingenium et artem saepe vincit, quis dubitet de foederibus et de toto iure pacis et belli omnibus iuris peritissimis imperatores nostros anteferre? 46. Possumusne igitur tibi probare auctorem exempli atque facti illius, quod a te reprehenditur, C. Marium? quaeris aliquem graviolem, constantiorem, praestantiorem virtute, prudentia, religione? Is igitur Iguvinatium M. Annium Appium, fortissimum virum summa virtute praeditum, civitate donavit; idem cohortes duas universas Camertium civitate donavit, cum Camertinum foedus omnium foederum sanctissimum atque aequissimum sciret esse. Potest igitur, iudices, L. Cornelius condemnari, ut non C. Mari factum condemnetur? 47. Existat ergo ille vir parumper cogitatione vestra, quoniam re non potest, ut conspiciatis eum mentibus, quoniam oculis non potestis; dicat se non imperitum foederis, non rudem explorum, non ignarum belli fuisse; se P. Africani discipulum ac militem, se stipendiis, se legationibus bellicis eruditum, se, si tanta bella attigisset, quanta gessit et confecit, si tot consulibus meruisset, quotiens ipse consul fuit, omnia iura belli perdiscere ac nosse potuisse; sibi non fuisse dubium, quin nullo foedere a re publica bene gerenda impediretur; a se ex coniunctissima atque amicissima civitate fortissimum quemque esse delectum; neque Iguvinatium neque Camertium foedere esse exceptum, quo minus eorum civibus a populo Romano praemia virtutis tribuerentur. XXI. 48. Itaque, cum paucis annis post hanc civitatis donationem acerrima de civitate quaestio Licinia et Mucia lege venisset, num quis eorum, qui de foederatis civitatibus esset

civitate donatus, in iudicium est vocatus? Nam Spoletinus T. Matrinius unus ex iis, quos C. Marius civitate donasset, dixit causam ex colonia Latina in primis firma et industri. Quem cum disertus homo L. Antistius accusaret, non dixit fundum Spoletinum populum non esse factum (videbat enim populos de suo iure, non de nostro fundos fieri solere) sed, cum lege Apuleia coloniae non essent deductae, qua lege Saturninus C. Mario tulerat, ut in singulas colonias ternos cives Romanos facere posset, negabat hoc beneficium re ipsa sublata valere debere. 49. Nihil habet similitudinis ista accusatio: sed tamen tanta auctoritas in C. Mario fuit, ut non per L. Crassum, ad finem suum, hominem incredibili eloquentia, sed paucis ipse verbis causam illam gravitate sua defenderit et probarit. Quis enim esset, iudices, qui imperatoribus nostris in bello, in acie, in exercitu delectum virtutis, qui sociis, qui foederatis in defendenda re publica nostra spem praemiorum eripi vellet? Quodsi vultus C. Marii, si vox, si ille imperatorius ardor oculorum, si recentes triumphi, si praesens valuit aspectus, valeat auctoritas, valeant res gestae, valeat memoria, valeat fortissimi et clarissimi viri nomen aeternum. Sit hoc discrimen inter gratiosos cives atque fortis, ut illi vivi fruuntur opibus suis, horum etiam mortuorum, si quisquam huius imperii defensor mori potest, vivat auctoritas immortalis. XXII. 50. Quid? Cn. Pompeius pater rebus Italico bello maximis gestis P. Caesium, equitem Romanum, virum bonum, qui vivit, Ravennatem foederato ex populo nonne civitate donavit? quid? cohortis duas universas Camertium C. Marius? quid? Heracliensem Alexam P. Crassus, vir amplissimus, ex ea civitate, quacum prope singulare foedus Pyrrhi temporibus C. Fabricio consule ictum putatur? quid? Massiliensem Aristonem L. Sulla? quid? quoniam de Gaditanis agimus, idem † eros novem Gaditanos? quid? vir sanctissimus et summa religione ac modestia, Q. Metellus Pius, Q. Fabium Saguntinum? quid? hic, qui adest, a quo haec, quae ego nunc percurro, subtilissime sunt omnia perpolitata, M. Crassus, non Avennensem foederatum civitate donavit, homo cum gravitate et prudentia praestans, tum vel nimium parcus in largienda civitate? 51. Hic tu Cn. Pompei beneficium vel potius iudicium et factum infirmare conaris, qui fecit, quod C. Marius fecisse audierat, fecit, quod P. Crassum, quod L. Sullam, quod Q. Metellum, quod M. Crassum, quod denique domesticum auctorem patrem suum facere viderat? Neque vero id in uno Cornelio fecit. Nam et Gaditanum Hasdrubalem ex bello illo Africano et Mamertinos Ovios et quosdam Uticenses et

Saguntinos Fabios civitate donavit. Etenim cum ceteris praemiis digni sunt, qui suo labore et periculo nostram rem publicam defendunt, tum certe dignissimi sunt, qui civitate ea donentur, pro qua pericula ac tela subierunt. Atque utinam, qui ubique sunt propugnatores huius imperii, possent in hanc civitatem venire et contra oppugnatores rei publicae de civitate exterminari! Neque enim ille summus poëta noster Hannibalis illam magis cohortationem quam communem imperatoriam voluit esse:

Hostem qui feriet, erit, (inquit) mi Carthaginiensis,
Quisquis erit, cuiatis siet.

† Id habent hoc leve et semper habuerunt itaque et civis undique fortis viros adsciverunt et hominum ignobilium virtutem persaepe nobilitatis inertiae praetulerunt.

XXIII. 52. Habetis imperatorum summorum et sapientissimorum hominum, clarissimorum virorum, interpretationem iuris ac foederum. Dabo etiam iudicum, qui huic quaestioni praefuerunt, dabo universi populi Romani, dabo sanctissimum et sapientissimum iudicium etiam senatus. Iudices cum prae se ferrent palamque loquerentur, quid essent lege Papia de M. Cassio Mamertinis repetentibus iudicaturi, Mamertini publice suscepta causa destiterunt. Multi in civitatem recepti ex liberis foederatisque populis liberati sunt; nemo umquam est de civitate accusatus, quod aut populus fundus factus non esset, aut quod foedere civitatis mutandae ius impediretur. 53. Audebo etiam hoc contendere, numquam esse condemnatum, quem constaret ab imperatore nostro civitate donatum. Cognoscite nunc populi Romani iudicium multis rebus interpositum atque in maximis causis re ipsa atque usu comprobatum. Cum Latinis omnibus foedus esse ictum Sp. Cassio Postumo Cominio consulibus quis ignorat? quod quidem nuper in columna aenea meminimus post rostra incisum et perscriptum fuisse. Quo modo igitur L. Cossinius Tiburs, pater huius equitis Romani, optimi atque ornatissimi viri, damnato T. Caelio, quo modo ex eadem civitate T. Coponius, civis item summa virtute et dignitate, (nepotes T. et C. Coponios nostis) damnato C. Masone civis Romanus est factus? 54. An lingua et ingenio pateferi aditus ad civitatem potuit, manu et virtute non potuit? an[ne] de nobis trahere spolia foederatis licebat, de hostibus non licebat? an, quod adipisci poterant dicendo, id eis pugnando adsequi non licebat? an accusatori maiores nostri maiora praemia quam bellatori esse voluerunt?

XXIV. Quodsi acerbissima lege Servilia principes viri et

gravissimi et sapientissimi cives hanc Latinis, id est foederatis, viam ad civitatem populi iussu patere passi sunt neque ius est hoc reprehensum Licinia et Mucia lege, cum praesertim genus ipsum accusationis et nomen et eius modi praemium, quod nemo adsequi posset nisi ex senatoris calamitate, neque senatori neque bono cuiquam nimis iucundum esse posset, dubitandum fuit, quin, quo in genere iudicum praemia rata essent, in eodem iudicia imperatorum valerent? Num fundos igitur factos populos Latinos arbitramur aut Serviliae legi aut ceteris, quibus Latinis hominibus erat propositum aliqua ex re praemium civitatis? 55. Cognoscite nunc iudicium senatus, quod semper iudicio est populi comprobatum. Sacra Cereris, iudices, summa maiores nostri religione confici caerimoniaque voluerunt; quae cum essent adsumpta de Graecia, et per Graecas curata sunt semper sacerdotes et Graeca omnino nominata. Sed cum illam, quae Graecum illud sacrum monstraret et faceret, ex Graecia deligerent, tamen sacra pro civibus civem facere voluerunt, ut deos immortales scientia peregrina et externa, mente domestica et civili precaretur. Has sacerdotes video fere aut Neapolitanas aut Velienses fuisse, foederatarum sine dubio civitatum. Mitto vetera; proxime dico ante civitatem Veliensibus datam de senatus sententia C. Valerium Flaccum praetorem urbanum nominatim ad populum de Calliphana Veliense, ut ea civis Romana esset, tulisse. Num igitur aut fundos factos Velienses aut sacerdotem illam civem Romanam factam non esse aut foedus et a senatu et a populo Romano violatum arbitramur?

XXV. 56. Intellego, iudices, in causa aperta minimeque dubia multo et plura et a pluribus peritissimis esse dicta, quam res postularet. Sed id factum est, non ut vobis rem tam perspicuam dicendo probarem, verum ut omnium malivolorum, iniquorum, invidorum animos frangeremus; quos ut accusator incenderet, ut aliqui sermones hominum alienis bonis maerentium etiam ad vestras aures permanerent et in iudicio ipso redundarent, idcirco illa in omni parte orationis summa arte aspergi videbatis, tum pecuniam L. Corneli, quae neque invidiosa est et, quantacumque est, eius modi est, ut conservata magis quam correpta esse videatur, tum luxuriam, quae non crimine aliquo libidinis, sed communi maledicto notabatur, tum Tusculanum, quod Q. Metelli fuisse meminerat et L. Crassi, Crassum emisse de libertino homine, Soterico Marcio, ad Metellum pervenisse de Vennonii Vindici bonis non tenebat. Simul illud nesciebat, praediorum nullam esse gentem, emptionibus ea solere saepe ad alienos homines,

saepe ad infimos, non legibus tamquam tutelas pervenire. 57. Obiectum est etiam, quod in tribum Clustuminam pervenerit; quod hic adsecutus est legis de ambitu praemio minus invidioso, quam qui legum praemiis praetoriam sententiam et praetextam togam consecuntur. Et adoptatio Theophaui agitata est, per quam Cornelius nihil est praeterquam propinquorum suorum hereditates adsecutus.

XXVI. Quamquam istorum animos, qui ipsi Cornelio invident, non est difficillimum mitigare; more hominum invident, in conviviis rodunt, in circulis vellicant, non illo inimico, sed hoc malo dente carpunt. 58. Qui amicis L. Corneli aut inimici sunt aut invident, ii sunt huic multo vehementius pertimescendi. Nam huic quidem ipsi quis est umquam inventus inimicus aut quis iure esse potuit? Quem bonum non coluit, cuius fortunae dignitaeque non concessit? Versatus in intima familiaritate hominis potentissimi in maximis nostris malis atque discordiis neminem umquam alterius rationis ac partis non re, non verbo, non vultu denique offendit. Fuit hoc sive meum sive rei publicae fatum, ut in me unum omnis illa inclinatio communium temporum incumberet. Non modo non exultavit in ruinis nostris vestrisque sordibus Cornelius, sed omni officio, lacrumis, opera, consolatione omnis me absente meos sublevavit. 59. Quorum ego testimonio ac precibus munus hoc meritum huic et, ut a principio dixi, iustam et debitam gratiam refero speroque, iudices, ut eos, qui principes fuerunt conservandae salutis aut dignitatis meae, diligitis et caros habetis, sic, quae ab hoc pro facultate hominis, pro loco facta sunt, et grata esse vobis et probata. Non igitur a suis, quos nullos habet, sed a suorum, qui et multi et potentes sunt, arguetur inimicis; quos quidem hesterno die Cn. Pompeius copiosa oratione et gravi secum, si vellent, contendere iubebat, ab hoc impari certamine atque iniusta contentione avocabat. XXVII. 60. Et erit aequa lex et nobis, iudices, atque omnibus, qui nostris familiaritatibus implicantur, vehementer utilis, ut nostras inimicitias ipsi inter nos geramus, amicis nostrorum inimicorum temperemus. Ac, si mea auctoritas satis apud illos in hac re ponderis haberet, cum me praesertim rerum varietate atque usu ipso iam perdoctum viderent, etiam ab illis eos maioribus discordiis avocarem. Etenim contendere de re publica, cum id defendas, quod esse optimum sentias, et fortium virorum et magnorum hominum semper putavi neque huic umquam labori, officio, muneri defui. Sed contentio tamdiu sapiens est, quamdiu aut proficit aliquid aut, si non proficit, non obest civitati. 61. Voluimus quaedam, contendimus, experti

sumus; optenta non sunt. Dolorem alii, nos luctum maeremque suscepimus. Cur ea, quae mutare non possumus, convellere malimus quam tueri? C. Caesarem senatus et genere supplicationum amplissimo ornavit et numero dierum novo. Idem in angustiis aerarii victorem exercitum stipendio adfecit, imperatori decem legatos decrevit, lege Sempronia succedendum non censuit. Harum ego sententiarum et princeps et auctor fui neque me dissensionis meae pristinae putavi potius adsentiri quam praesentibus rei publicae temporibus et concordiae convenire. Non idem aliis videtur. Sunt fortasse in sententia firmiores. Reprendo neminem, sed adsentior non omnibus neque esse inconstantis puto sententiam tamquam aliquod navigium atque cursum ex rei publicae tempestate moderari. 62. Sed si qui sunt, quibus infinitum sit odium, in quos semel susceptum sit, quos video esse non nullos, cum ducibus ipsis, non cum comitatu adsectatoribusque configant. Illam enim fortasse pertinaciam non nulli, virtutem alii putabunt, hanc vero iniquitatem omnes cum aliqua crudelitate coniunctam. Sed si certorum hominum mentes nulla ratione, iudices, placare possumus, vestros quidem animos certe confidimus non oratione nostra, sed humanitate vestra esse placatos.

XXVIII. 63. Quid enim est, cur non potius ad summam laudem huic quam ad minimam fraudem Caesaris familiaritas valere debeat? Cognovit adulescens; placuit homini prudentissimo; in summa amicorum copia cum familiarissimis eius est adaequatus. In praetura, in consulatu praefectum fabrum detulit; consilium hominis probavit, fidem est complexus, officia observantiamque dilexit. Fuit hic multorum illi laborum socius aliquando; est fortasse nunc non nullorum particeps commodorum. Quae quidem si huic obfuerint apud vos, non intellego, quod bonum cuiquam sit apud talis viros profuturum. 64. Sed, quoniam C. Caesar abest longissime atque in iis est nunc locis, quae regione orbem terrarum, rebus illius gestis imperium populi Romani definiunt, nolite, per deos immortales! iudices, hunc illi acerbum nuntium velle perferri, ut suum praefectum fabrum, ut hominem sibi carissimum et familiarissimum non ob ipsius aliquod delictum, sed ob suam familiaritatem vestris oppressum sententiis audiat. Miseremini eius, qui non de suo peccato, sed de huius summi et clarissimi viri facto, non de aliquo crimine, sed periculo suo de publico iure disceptat. Quod ius si Cn. Pompeius ignoravit, si M. Crassus, si Q. Metellus, si Cn. Pompeius pater, si L. Sulla, si P. Crassus, si C. Marius, si senatus, si populus Romanus, si, qui de re simili iudicarunt,

si foederati populi, si socii, si illi antiqui Latini, videte, ne utilius vobis et honestius sit illis ducibus errare quam hoc magistro erudiri. Sed si de certo, de perspicuo, de utili, de probato, de iudicato vobis iure esse constituendum videtis, nolite committere, ut in re tam inveterata quicquam novi sentiatis. 65. Simul et illa, iudices, omnia ante oculos vestros proponite, primum esse omnes etiam post mortem reos clarissimos illos viros, qui foederatos civitate donarunt, deinde senatum, qui hoc iudicavit, populum, qui iussit, iudices, qui adprobarunt. Tum etiam illud cogitate, sic vivere ac vixisse Cornelium, ut, cum omnium peccatorum quaestiones sint, non de vitiorum suorum poena, sed de virtutis praemio in iudicium vocetur. Accedat etiam illud, ut statuatis hoc iudicio, utrum posthac amicitias clarorum virorum calamitati hominibus an ornamento esse malitis. Postremo illud, iudices, fixum in animis vestris tenetote, vos in hac causa non de maleficio L. Corneli, sed de beneficio Cn. Pompei iudicaturos.

NOTES.

G. refers to Smith's "Smaller Latin Grammar" (Murray, 3s. 6d.).

Cap. I., § 1. **auctoritates**: Cicero uses the plural of abstract nouns more frequently than other writers. The plural is used here because of the pl. *patronorum*. *Auctoritas* = "the influence obtained from high office"; if a consul were to plead the cause of a client, the *auctoritas* of the consul would have great weight in procuring an acquittal.

patronorum: *patronus* is the regular word for an "advocate." It is also used in the sense of "protector," "supporter." The two other *patroni* on behalf of Balbus besides Cicero, were Pompey and Crassus.

L. Corneli: *i.e.*, Lucius Cornelius Balbus, the defendant. The correct termination of the genit. sing. of proper nouns ending in *-ius* is *-i*, not *-ii*.

usus, ingenia, studia: all noms. pl. subj. of *valere debent*.

a peritissimis, ab eloquentissimis, ab amicissimis: all governed by *defensa est*.

cum . . . tum: the construction is "ab amicissimis et conjunctis cum L. Cornelio cum beneficiis tum maxima familiaritate." The *cum* before *L. Cornelio* is a preposition, and the following *cum . . . tum* are conjunctions = "not only . . . but also."

meae partes: Cicero always uses the plural in the sense of "part," "duty," "task."

ingenii: it is probable that Cicero wrote only one *i* for the genitive of neuter nouns in *-ium*. The MSS., however, vary so greatly, that it has not been thought necessary to alter Teubner's text. The student, however, must not be at a loss should the spelling with one *i* be placed before him.

auctoritatis, usus, &c. are genitives depending on *partes*.

vos refers to the jury as representing the people generally.

ceteris: *i.e.*, Pompey and Crassus.

alio loco: *sc. dicam*. He gives an account of this debt; *i.e.*, of Balbus' persistent attempts to bring about Cicero's restoration and revive his fortunes, in § 58.

§ 2. **amici**: this is the predicate, "all who were friendly." *Amicus*, when an adjective, is followed by a dat.; when a noun, it is followed by the gen.

fuerint: generic subjunctive.
minus: Cicero often uses this word as a milder form of *non*.
habenda: "by esteeming it a favour," *i.e.*, "by acknowledging it."
fuerit: subjunct. in dependent interrogative sentence, depending on *videbatur*.

Pompei: for the termination cp. note on *Corneli* in § 1.

gravitas: "weight," "weightiness," from *gravis*. **facultas**, from *facilis*, = "easy flow of speech," "eloquence."

exemplis: "precedents," previous instances of the enfranchisement of a foreigner like Balbus.

foederibus: one difficulty in this case was that Gades had allied itself to Rome under a certain *foedus*, and the prosecution contended that Balbus' enfranchisement could take place only in accordance with this *foedus*.

inlustriore auctoritate: "with brighter and clearer authority." This adverbial phrase, like *memoria majore*, corresponds to the adverbs *subtilius* and *peritius*.

modestius: "more moderately." This word comes from *modus*, a limit.

crimine: *crimen* in Cicero generally means an accusation; the later meaning, "crime" or "fault," is rare in ante-Augustan prose. The word is derived from *cerno*, "to decide" or "distinguish," and originally meant a "judicial decision."

§ 3. **illud**: "the following," *i.e.*, "omnia se recte dare ei qui omnes, &c."

non nulli: "some people," *i.e.*, the Stoics, who held that everything a wise man did was right.

comprehendisset: subjunct., dependent sentence in Or. Obliqua.

recte se dare: this is Madvig's correction for the MS. reading, *tractare*, and means "put themselves rightly," *i.e.*, "turn out rightly"; Reid suggests *recte cadere*, which is less unlike *tractare* than *se dare*, and means "fall rightly," "happen or turn out rightly."

quae goes with *ubertas*, &c.—"for what richness, &c., could have been greater?"

potuit: notice the graphic indic., when we should ordinarily have the subjunctive.

nato ad: "born for," *i.e.*, "with a natural talent for."

temporis: partitive genitive after *tantum*.

quantum is the acc. of duration of time after *conquievit*; *tantum*, however, is the direct object of *impertire*.

§ 4. **quo**: "wherefore."

perorandi. When Cicero was engaged with other counsel in a case, he always spoke last, probably because he could appeal most powerfully to the jury.

praetervecta sit: subjunct. after *ei quae*. *Is qui*, where *is* = *talis*, is always followed by the subjunct. *Praetervehor*, though strictly passive, is, like other compounds of *vehor*, used as a deponent verb, and governs the acc. *aures*.

voluptatis: partitive genit. after *plus*, which is used as a noun.

cujusquam: *quisquam* and *ullus* are used instead of *aliquis* in negative and comparative sentences, and interrog. sentences expecting the answer *no*.

Cap. II. **mos est gerundus:** *mos* = "manner," "custom," as determined not by law, but by man's will or caprice; (*mores* in the pl. = "character"). *Morem gerere alicui* = "to do the will of any one," "to humour or gratify any one." **gerundus:** the old form of the gerundive instead of *gerendus*. Cicero uses this form only in archaic or legal phrases.

voluntati: dat., indirect object of *deesse*.

sui refers to Pompey, the subject of *voluit*.

beneficii: the favour shown by Pompey to Balbus in enfranchising the latter. *Beneficium* often means "patronage"; see *De Amicitia*, § 96: "Cooptatio enim collegiorum ad populi beneficium transferebatur."

fuerim: subjunct., because it states not a fact, but Pompey's thought.

actorem: *actor* = "one who conducts a suit," "an advocate," "pleader"; it also means, but not here, "one who brings a suit," *i.e.*, "a plaintiff." There is another reading, *auctor*, = "author," "originator."

§ 5. **dignum:** governs the abl. *republica*; see G., § 317.

gloriae: dat. after *deberi*, "is owing to the renown."

proprium: this is used as a quasi-noun (= "property," "peculiarly"), and is followed by a genitive.

causae: partit. genitive after *satis*; cp. *plus voluptatis, tantum temporis*.

ipse: *i.e.*, Pompey.

nullius: the gen. and abl. of *nemo* are not found; *nullius* and *nullo* are used instead.

in crimen vocaretur: *in crimen delicti vocari* = "to be summoned to meet the charge of a crime."

furatus civitatem: "stolen the citizenship," *i.e.*, pretended to be a citizen while he was not really one.

- **unum:** nom. neut.

Gadibus: "at Gades"; see G., § 257.

venerit: subjunctive, because the sentence is dependent and in Or. Obliqua, and perfect tense because it depends on a present verb *fatetur*. G., § 423.

quaestorem: there were originally two kinds of quaestors—(1) *quaestores parricidii*, officers whose duty it was to inquire into charges of murder, and (2) *quaestores classici*, paymasters of the *classes* or great military bodies into which the *plebs* was divided. At first there were only two *quaestores classici*, generally called quaestors simply, but soon two more were appointed, so that two could remain at home, and two accompany the consuls in the field. The plebeians were then made eligible for the office, and in later times the number was doubled, and increased indefinitely, so that every general and every governor had a quaestor on his staff. The senate was recruited from ex-quaestors.

cum C. Memmio: notice *et* is omitted before this *cum*.

§ 6. **propria**: "qualities"; see supra, § 5.

pietas: *pietas* = "affectionate duty," owing (1) from man to God, (2) from child to parent, and from parent to child, (3) from the citizen to the state, which is merely another form of (2).

digna summo imperatore: "worthy of the highest general," *i.e.*, such valour and excellence as great generals like Metellus, Memmius, or Pompey ought to see in their officers.

spes pro periculis praemiorum: "hope of reward in proportion to the dangers to be undergone."

sed in ejus: *sc. facto*.

Cap. III. **igitur**: as a rule *igitur* is placed second word in a sentence, but it is often third when a part of *sum* immediately precedes; cp. § 1, "Quae sunt igitur."

in Cornelio, in Pompeio: *in* = "in the case of," a common use throughout Cicero's speeches.

Causa ipsius: *ipsius* refers to the *accusator*. *Causa* is, of course, nom. We know neither the name of the prosecutor in this case, nor that of the judge.

laedatur = "is slighted."

Caput: lit., "the head" = "the status as a Roman citizen," since a Roman valued his citizenship as highly as his life. *Capitis diminutio* (lit., "lessening of his head") = "the loss of civil rights," a punishment inflicted for serious crimes.

sit natus: the subjunctive is used to express indefiniteness = "in the state in which he was born, no matter what it was." Some editions read the indic. *est*.

expertem governs the genit. *laboris, oppressionis, &c.*; see G., § 276, 4.

cum plena . . . tum : “not only . . . but also.” *Plena* is sometimes followed by a gen. and sometimes by an abl.; cp. “full of” and “filled with.”

crimen : see note on § 2. *Crimen* here means “anything on which to base an accusation”; hence it approaches somewhat closely to the meaning “crime.”

§ 7. **hujus crimen** : “is this a charge against my client?” The stress is on *hujus*.

honus ignominia putanda est : the attraction of the verb into the gender of the predicate is very common. *Honus* is, of course, the nom. = *honor*; cp. *arbos, flos*.

actione : *actio* = (1) “action” or “suit,” (2) “indictment” or “accusation,” (3) “the management of the indictment.” The third meaning is the one employed here.

qui si : the relative *qui* must often, as here, be split up into a conjunction, “but,” “and,” “when,” &c., and a dem. pron., “he,” “it,” &c.

minus idoneum : “not fit”; cp. note on *minus referenda gratia*, § 2, also *sin minus* = “but if not.”

quin etiam : “nay more.” *Quin* is for *qui ne* = “by which not,” the *qui* being an old abl. of *qui*. *Non dubium est quin veniat* = “there is no doubt by which he may not come,” i.e., “there is no doubt that he will come.” *Quin* also = “why not”; *quin etiam* = “why not also,” hence = “nay more.”

aliquid : after *ne, nisi, num, and si, quis* is generally used instead of *aliquis*. Here the form *aliquid* is kept so as to lay stress upon the meaning *some*, and not *any*.

contra ac = “otherwise than”; the explanation of the construction is, “done otherwise, and it was allowable otherwise,” i.e., “done otherwise than was allowable.”

liceret . . . oporteret : *licet* = “it is allowable,” as regards physical possibility; *oportet* = “it is right or necessary,” regarded from a sense of duty or morality.

a vobis repudianda : ablative of the agent with the preposition *a* is used here to bring into prominence the idea of agency. Ordinarily the gerundive in *-dus* is followed by the dat.; e.g., *omnibus est moriendum* = “all must die.”

§ 8. **nunc vero** : “but as it is,” “but in the present case.”

licuerit : subjunct., dependent sentence in Or. Obliqua.

Cap. IV. **cuncter?** = “am I to hesitate?” The words *sic agere* down to *fateamur* are not found in all editions.

§ 9. **ususne rerum** : “experience.” Notice the addition of the concrete word *rerum*, where in English the abstract noun is sufficient;

cp. *cognitio rerum* = "knowledge," *rerum natura* = "nature," "the world."

principium: acc. in apposition to *tempus extremum pueritiae*.

aequales: "people of the same age."

orae: distinguish the words *os, ossis, n.*, "a bone"; *os, oris, n.*, "the mouth"; and *ora, orae, f.*, "a shore."

An ingenium? (sc. *abest ei*): as a rule *absum* is followed by *ab* and the abl., but occasionally it takes the dat. *An* = "or." Sometimes it does not require to be translated, but is merely the sign of a question. Here the *an* corresponds to the *ne* in *ususne rerum*.

deae: i.e., *Fortunae*, "the goddess Fortune."

religio: "reverence for the gods," especially their rites and ceremonies. If a general neglected these rites, the soldiers were afraid the gods would take vengeance and bring disasters.

requisita est: *requiro* generally means (1) "to seek again," "look for"; (2) "to question"; (3) "to ask for something that is lacking," "to miss" = *desidero*. The last meaning is the one required here.

quem provinciae nostrae: Cicero here praises Pompey's conduct as a governor, when, if he had felt so disposed, he could have made free people slaves, and extorted money from the petty princes and their subjects.

sperando: *spero* = "to hope for something which you are likely to obtain"; *opto* = "to hope for something which you are not likely to obtain."

§ 10. **amplissimae dignitatis praemia**: this refers to the command vested in Pompey over the whole of the Mediterranean, so that he might subdue the pirates of Sicilia. The command was conferred on him by the *Lex Gabinia*, 67 B.C., and Pompey really accepted with eagerness, although he pretended at first to refuse it.

ita quaeri, governed by *turpe (est)*, = "is it not a disgrace that this question should be so asked?"

ut id agatur: "that the point to be decided," or "at issue"; cp. (Fr.) *il s'agit de* = "the question is."

Cap. V., § 11. **de parente**: not "about my father," but "from or of my father."

puer: "when I was a boy."

L. f.: abbreviation for *Luci* or *Lucii filius*.

causam diceret: "was pleading his cause," i.e., "was defending himself."

de pecuniis repetundis, (for the termination *-undis*, see note on *gerundis*, § 4), = "for extortions," a common charge brought against

a governor directly he left his province. *De pecuniis repetundis* lit. = "about the restoration of money" (which has been wrongfully extorted by a governor).

igitur : a resumptive particle, = "well," "so."

tabulae = "accounts," which were generally drawn up on small tablets.

nominis : each account was headed by the name of a person. The accounts to be inspected were his accounts as governor of the province.

fuisse judicem . . . neminem : depending on *audivi*, "I heard that there was not one on the jury." The word *judex* corresponds to *jurymen* rather than *judge*. In this trial the jury consisted of *equites*.

quin : see G., § 461; here it = *qui non*.

ne forte : the order is, "ne forte quisquam videretur dubitasse verumne an falsum esset (id) quod ille (*i.e.*, Metellus) in tabulas publicas retulisset."

nos Cn. Pompei : notice the asyndeton, *i.e.*, the absence of conjunctions or connecting links. It lends more life and vehemence to the speech.

judicium : it is better to omit this word; if it is preserved *decretum* must be regarded as a participle, and not as a noun = "the decreed judgment."

de consilii sententia : "after taking the opinion of his council." In matters of great importance it was customary for the governor to take the advice of certain councillors, who were specialists in the matter under discussion.

recognoscemus? "shall we revise," "review."

perpendemus : remember the difference between *pendo*, *pependi*, *pensum*, 3, "to weigh" (tr.), and *pendeo*, *pependi*, 2, "to hang" (intr.). *Perpendemus* is from *perpendo*, tr., and governs the acc. *omnia*.

§ 12. **Athenis** : "at Athens," see G., § 257.

quidam : Xenocrates, the philosopher, studied under Plato, and became the head of the Academy or Academic schools of philosophy. He lived 396-314 B.C.

vixisset : from *vivo*. Distinguish *vivo*, *viri*, *victum*, 3, "to live," from *vinco*, *vici*, *victum*, 3, "to conquer," and *vincio*, *vinzi*, *vinctum*, 4, "to bind."

jurandi causa : in the Greek courts, the evidence consisted of written depositions which were read out to and sworn by the witnesses, who had to go up to the altar and swear in the formal manner. At Rome, however, the evidence was oral, as is usual in English common law courts.

viri depends on *fidem*.

§ 13. **utrum** expresses a question, and need not be translated.

nomen : "renown," "fame." "O nomen nostri" is an interjectional sentence, and contains no proper subject and pred. *Scientem* is governed by *si vultis (scientem) fecisse*.

ejus : "his," *i.e.*, Pompey's. *Ejus* is prob. not the demonstr. adj. = "that."

tetrarchae tyranni : notice there is no *et* (and there ought not to be any) before the final word *tyranni*. In an enumeration in Latin *and* is either used with every word after the first or with none. So, again, we have *maria, portus, insulae, litora*, all without a connecting conjunction.

extent : generic subjunct. ; see G., § 482.

humanitatis : *humanitas* combines the two notions of "gentleness" and "mental culture," "refinement." It may be translated here "gentle refinement."

cum animi tum : "not only, but also" ; see § 1.

gravitate virtute : abl. after *praeditum*.

Cap. VI., § 14. **quasi vero non levius sit** : "as if indeed it would not be a more disgraceful act." *Levis* = "light," "worthless" (the opp. of *gravis* = "weighty," "worthy"), hence "disgraceful." There is another reading, *quasi vero levioris sit*, = "as if indeed it would be the part of a more worthless person," *levioris* being a predicative genitive.

cum in tanta re publica versere : *versor*, 1, = (1) "to dwell," "remain," (2) "to be," (3) "to occupy one's self," "be engaged in." *Versor* is really the middle of the active *verso* = "to turn often," or "violently," *verso* being a frequentative of *verto* ; cp. *curso* and *curro*, *viso* and *video*. *Cum in tanta*, &c., = "Since you are engaged in the affairs of such a mighty state"; the state is probably Rome. Pompey had taken a prominent part in public affairs throughout his life. Less probably, *tanta re publica* may mean such important public affairs as Pompey was administering in Spain.

quo jure, the abl. of quality, = "a citizenship of what rights, based upon what laws and conditions." *Quo jure esset* depends on *nesciebat*.

nosset = *novisset*, from *nosco*.

tenebat : either (1) "comprehend," or (2) "keep to."

audebit : *audeo* is a semi-deponent verb ; cp. *gaudeo* and *soleo*, and see G., § 112 (ii).

librarioli : *-olus* is a diminutive termination, and is used to express (1) "affection," "tenderness," (2) "contempt." The meaning here does not differ much from that of *librarius*, with a slight tinge of contempt, = "a petty copyist" or "scribe."

se scire : some editions omit *se* : the meaning is the same, but the insertion of the pronoun is more regular.

§ 15. **equidem** : formerly a mistaken idea was current that *equidem*

was for *ego quidem* and could only be used with the first person singular. It has nothing to do with *ego*, but is compounded of the interj. *e* or *ec* and *quidem*, and can be used with the 1st or 3rd persons sing. or pl., and with the 2nd sing.

contra : adv., = "on the other hand."

illarum quae : e.g., oratory and philosophy.

laudem : *laus* means "merit," as well as "praise."

scientiam in foederibus : this is a very unusual construction ; we should have expected either *foederum*, or else a gerund, e.g., *interpretandis*. The addition of the adjective *praestabilem* helps to smooth the construction, since we could have an *in* after an adj. like *praestabilem* instead of the simple ablative, e.g., *praestabilis in virtute* instead of *praestabilis virtute*.

condicionibus : *condicio* = "an agreement" or "terms of an agreement." According to Reid the difference between *foedus* and *pactio* is that *foedus* is a solemn "treaty," concluded by the *fetiales* with religious formalities ; *pactio* is a simple "agreement" between two generals, without any authorisation from Rome. Such an agreement would be valid as regards a temporary matter, but invalid, unless ratified, as regards a permanent settlement.

in umbra atque otio : *umbra*, "shade," is often used of a life of retirement ; thus *vita umbratilis* is opposed to a practical life of exertion.

litterae : *littera* in the sing. = "a letter of the alphabet," in the pl. it = (1) "a letter" or "epistle," (2) "literature," "history," "the sciences." The second meaning is employed here, and the word *litterae* corresponds to *libri*.

causa dicta est : "my case for the defence is finished."

vitiis . . . genere : abl. of the cause ; see G., § 311.

§ 16. **abhinc annos quingentos** : "500 years ago," i.e., 500 years before 56 B.C. The acc. of duration is strange, because here there is no idea of duration, unless we look at the sentence in this way, "going back during a space of 500 years before the present time, if Pompey had then lived." *Abhinc* is generally found with the acc.

adulescentulo : Pompey was born in 106 B.C., and in 84 he marched to the assistance of Sulla, the leader of the senatorial party, on his return to Italy. He distinguished himself in the war against the Marians, especially in Africa, and in 81, when he was only 25 years old, he entered Rome, being honoured with a triumph for his victory over the Moor Iarbas. The triumph was granted to him, although he was a simple *equus* and held no office. The *-ulus* is a diminutive termination ; cp. *librariolus*.

omnis = *omnes*, the pl. Be on the look-out for this method of spelling, which is probably the more correct ; so also the genitives in *-i* and *-ii* ; the use of a *p* instead of a *b* before an *s* or *t*., e.g., *opsessio*, *optretatio*, for the ordinary *obsessio*, *obtrectatio*.

tres triumphi: (1) as mentioned above, over the Moor Iarbas in 81 B.C., (2) in 71 B.C., over the Spaniards, in the Sertorian War (83-72), (3) in 61 B.C., after his conquests over the Cilician pirates, and his great successes in the East generally.

inauditis: "unheard of in number and kind," especially the giving of a triumph in 81 to a man who held no official command, and the electing to the consulship in 70 a man who had not passed through the earlier grades of office.

is: Pompey.

quis audiret? "who would listen to it?"

niterentur: from *nitor*, *nixus sum*, *niti*, "to lean," "rest," "support one's-self." There is another reading *nitērent*, from *niteo*, *-ui*, 2, "to shine."

Cap. VII. § 17. **renovabo**: "I will repeat." This meaning is very common, though not quite so common as that of "to renew," "restore."

novi, integri: partitive genitives depending on *nihil*. *Integer*, which is derived from *in* and *tango*, lit. means "untouched," hence, "whole," "fresh."

M. Crassus: Crassus was neither a great orator nor a great advocate, but he took immense pains with his work (*diligentissimus*).

facultate: Cicero implies that Crassus' abilities were great.

fide sua: "his faith (or duty) towards his client."

explicavit: the verb *explico* has its parts in *-avi*, *-atum*, *-are*, and also in *-ui*, *-itum*, *-ere*. Cicero uses the forms of the first conjug. more frequently than the others.

ad dicendum is governed not by *reliquit*, but by *nihil novi, nihil integri*.

quasi perpoliendi quendam laborem: Cicero always prepares the way for a metaphor (as here, "to polish up a speech"), or a word used metaphorically, by the introduction of a word like *quasi*, *tanquam*, *quidam*; here we have both *quasi* and *quidam*. In § 15 we had *haec sacculi quaedam macula*.

officii: *officium* = "a duty." Such words as *officium*, *securus*, *persona*, *familia*, *cesso*, &c., must be translated not by the English cognates, "office," "secure," "person," "family," "cease," but by "duty," "free from care," "character or mask," "household of slaves," "linger," &c. These examples show that it is dangerous to translate Latin words by English cognates unless you use care.

operam: see G., § 51. After Cicero's speech against Verres, which put him at the head of his profession, whenever there were one or two more advocates on the same side as Cicero, by common consent he spoke last, as being best able to move the minds of the jury.

§ 18. **adgrediar**: this is the subjunct. after *priusquam*, because there is a notion of purpose. If a fact merely were intended to be expressed, the indic. would be used.

jus causamque: the speech is to be divided into two parts, one dealing with the law of legal arguments, and the other applying the law to the facts of the case.

Corneli: *i.e.*, L. Cornelius Balbus, the defendant.

nostrum: *nostrum* is the partitive genitive; in other cases *nostri* is used. *Nostri* is really the gen. neut. of the adj. *noster*, and means "of our nature," "of our condition." The only exception to this rule (it is an apparent, not a real exception) is that with *omnium* you must have *nostrum*, not *nostri*, although the meaning is possessive, *e.g.*, "*Patria est communis omnium nostrum parens.*" The explanation is that *omnium* brings out the distributive or partitive meaning of *nos*; in "all of us" (*nostrum omnium*) *nostrum* can scarcely be partitive, but in *quisque nostrum* we have a true instance of a partitive gen.

nascendi initio: lit. "at the beginning of being born," *i.e.*, "at birth."

optinere: "keep," "maintain"; see note on *officium*, § 17, and on *omnis*, § 16.

deberet, &c.: notice the subjunctives *deberet*, *afficiendi essent* after *si*, in this sentence, and the indic. *consecuta est* after *sin* in the next sentence. In the one sentence a condition or supposition is more prominently put forward, in the other a statement of a fact.

humanitas: see note, § 13.

intellego: the apodosis in this sentence is in the indic., whereas in the previous sentence, *videretur*, the apodosis, is in the subj. The reason is that the verb in the *apodosis* follows the mood of the verb in the *protasis*. (In a conditional sentence the "if" clause is called the *protasis*, and the other clause the *apodosis*.)

genere: "descent," "birth."

ex infimo fortunæ gradu: "from the lowest rung of fortune's ladder."

honores: there is no need to supply *summos* from *summam*; *summos honores* could only mean the consulship and higher offices of state, which as a fact Balbus had not yet obtained. *Honores*, however, *i.e.*, "positions of dignity," he had frequently occupied.

adjutura: *adjuvo* is used to express every kind of help or support; *auxiliari* is used only of one who from his weakness needs assistance; and *subvenire* of one who is in difficulty or embarrassment.

§ 19. **idcirco**: is explained by and refers to *ne de vestra*, &c.

oderitis: the perfect because *odī* has no present tense, but the perf. corresponds with the present *putetis*. With *odi* cp. *memini*, and see G., § 113.

poeniendam : this is another form of *puniendam*. For the interchange of the vowels *oe* and *u*, cp. *moenia* and *munio*, *poena* and *punio*, *Poenus* and *Punicus*.

adjumento . . . impedimento : predicative datives.

causae : is the genit. depending on *adjumento*.

Cap. VIII/ L. Gellius Cn. Cornelius : notice the omission of *et*, in accordance with the usual rule.

satis esse sancti : if we take this reading, *sancti* must be partitive genitive depending on *satis*, "there is enough of ratification," "it is sufficiently ratified (or established)." *Ita esse sanetum*, an emendation of Reid, is much more satisfactory, and was probably the original reading; the *s* of *videmus* may have been repeated, and a copyist not understanding *sita* may have altered it to *satis* : *ita esse sanetum* = "it was established in such a way that," or simply, "it was established that."

de consilii sententia : "after consulting his advisers"; see supra, § 11.

foederato populo : Gades was a state allied to Rome by the fixed terms of a treaty.

fundus : *fundus* primarily means the *bottom* of anything; hence, (1) "the foundation," (2) "authority." *Fundus*, "a farm," probably comes from the same meaning of "bottom," through the successive steps, (1) "foundation," (2) "soil," hence (3) "farm." The meaning "authority" or "ratifier," is very rare, and only occurs in a few passages.

civitatem : "citizenship," *i.e.*, could become a citizen.

§ 20. *interpretem* : interjectional accusative; cp. *me miserum*. *O* can be followed either by the voc., as in § 13 : *O nationes . . . tyranni*, or by the interjectional accusative. So also *pro ! e.g.*, "Pro curia inversique mores," = "Alas for the senate and the perversion of morals," and "Pro deum atque hominum fidem" = "Alas for the faith of gods and men."

expertis : acc. pl. of *expers*, governing genit. *praemiorum*.

potuit dici : "could have been said." Notice in Latin the perfect of the auxiliary (*potui, debui, oportuit*) and the present of the main verb where in English we use the present of the auxiliary and the perfect with *have* of the main verb. We must also notice the indic. used graphically where we might expect the subjunctive expressing a condition.

magis proprium : adjectives in *-ius* form their comparatives by the use of *magis*; see G., § 64, iv. Here, however, *proprium* being followed by a genitive, and not by a dative, is probably a noun, and *magis* stands by itself as an adverb.

ea sententia ut : this *ut* is consecutive, and is repeated for the sake of clearness in *ut tum lege eadem*. The two following *ut*'s are final, *i.e.*, express a purpose,

adscivissent : "had adopted." *Adscisco* = (1) "to take (or receive) a thing with knowledge," (2) "to receive," (3) "to adopt."

in fundo : "on a solid foundation (or basis)." *Fundus* here has its primary meaning; see above, § 19.

§ 21. *tulit C. Furius* : 183 B.C. The *Lex Furia* enacted that no testator could bequeath more than 1000 *asses* to any one who was not the *heres* or heir.

tulit Q. Voconius : 169 B.C. The *Lex Voconia* enacted that no woman should be heir under a will, and that no one should receive under a will more than the heir. The Roman *heres* does not correspond with the English heir; the former combined the positions of executor and residuary legatee, that is to say, he had to administer the estate, pay all the debts and legacies, and keep the balance for himself. Both the *Lex Voconia* and the *Lex Furia* applied only where the testator had been entered on the censor's list as worth at least 100,000 *asses*.

Julia lege : the Julian law contained an express provision that no state should receive the citizenship unless it ratified and adopted the law.

anterferret : causal subjunct. By adopting the citizenship the men of Heraclea and Neapolis would have been involved in extra burdens without reaping extra benefits.

vis : for the decl. of *vis* see G., § 52, 2.

§ 22. *id si est . . . velint* : explains, and is in apposition to, *aliquid*.

ut quibusdam : the *ut* depends on *ejus modi*.

sive foederatis sive liberis : remember the difference between *sive* and *utrum*. *Whether*, used to express a condition, is *sive*; *whether*, used to introduce a dependent clause, is *utrum*; *e.g.*, "He asked whether this was true or not" = "Rogavit utrum haec vera essent an non."

ut statuunt : this *ut* merely repeats the *ut* before *quibusdam*, and depends on *ejus modi*.

noluerunt : the subject of this verb is "the citizens," or "our ancestors," implied from the words *populus Romanus*.

Cap. IX. *at qui* : "and yet." *Qui* here is the abl. of *quis* used indefinitely; so *at qui* = "but anyhow," "but at any rate," "and yet."

nostra agrees with *salute*.

utilitate praesidio : governed by *carendum*. For verbs like *egeo*, *careo*, *abundo*, *vaco*, governing the abl., see G., § 318.

§ 23. *ut aut nostra* : *ut* consecutive, following *quae est ista*.

qui nostros duces: no doubt all these phrases have special reference to events in Balbus' life, when he helped the Roman general by working for him and obtaining supplies, &c.

commeatus: this word could be genitive, and taken as parallel with *laboris*, an *et* being unexpressed; it is possible to take it as acc. pl. after *juverit* = "helped our supplies at his own personal danger," *i.e.*, "helped us or our general with supplies." It might also be taken as acc. of respect: "helped our general in respect of supplies."

comminus: "hand to hand," derived from *cum*, "together," and *manus*, "a hand."

telis hostium: notice the rhetorical repetition of the same idea in three forms—*telis hostium*, *dinicationi capitis*, *morti*.

capitis: object. gen., "fight for his head (or life)." The way to tell whether a genit. depending on a noun is objective or subjective is—Turn this noun into an active verb, and, if the meaning requires the genit. to be the subject of the verb, it is a subj. gen., and, if the meaning requires the genit. to be the object of the verb, it is an obj. gen. Thus *Aeduum injuriae* = (1) "the injuries caused by the Aedui," (the Aedui injure), subj. gen.; (2) "the injuries done to the Aedui," (they injure the Aedui), obj. gen.

affici possit: the subjunct. depends on *ut* after *ista*, and corresponds to *careat*. *Juverit*, *pugnarit* are in the subjunct. because they are in dependent sentences depending on a subjunctive.

§ 24. **velint**: generic subjunct. G., § 482.

de quibus agimus: "about whom we are speaking" (lit., "dealing," "acting"), "about whom the question is at present."

exclusos: *claudo*, "to shut," when compounded with a preposition, has the *au* changed to *u*, e.g., *excludo*, *includo*, *concludo*, &c.

quae pateant: *quae* refers to *iis praemiis et iis honoribus*.

stipendiariis: the *stipendiarii* were those tributaries who had to pay their taxes in money, the most humiliating form of taxation. The *rectigales*, or those who had to pay tribute in kind (*i.e.*, in corn, cattle, &c.), were in a more respected position.

magno usui: the predic. dat. Confused by Smith (see G. § 297) with the dat. of *purpose*.

servos: it was nothing unusual in Rome to give slaves their freedom and make them citizens, but it was unusual to make a high-born, influential citizen of another state a Roman citizen. The result was that the body of citizens was increased by a large number of former slaves, who, in many cases, retained the degrading sentiments engendered by slavery; but they refused to admit men who, by their intrinsic merits, would have been an ornament and honour to them. Many slaves were made citizens who volunteered to join the Roman army after the battle of Cannae, 216 B.C. Marius enfranchised a

large number of slaves in order to raise an army in opposition to Sulla, 88 B.C., and slaves were often enfranchised by the will of their master at his death.

meritos: the active form *merco* is used as well as the deponent *mereor*. Here *meritos* = "deserving," from the deponent, but it also means "deserved," "just," "proper."

Cap. X., 25. **patrone**: here *patronus* has the meaning of "protector," "patron," rather than of "advocate." It was the custom of allied states to choose some well-known person at Rome to represent their interests whenever a question arose about them; thus one of the Fabii (Q. Fabius Sanga) was the patron of the Allobrogian Gauls. The prosecutor is here sarcastically called "the patron of treaties."

tuis civibus: "your fellow citizens." The prosecutor was a native of Gades as well as the defendant Balbus.

ut quod iis: *ut* goes with *ne liceat ipsis* at the end of the sentence. The order is, "ut ne liceat ipsis, ut ab senatu et ab imperatoribus nostris civitate donentur, id quod, si populus Romanus permiserit, liceat iis quos armis subegimus, adjuti a majoribus tuis magnis opibus, atque in dicionem nostram subegimus."—"That they themselves should not be allowed to be presented with the citizenship by our senate's generals, a thing which, with the permission of the Roman people, those men are allowed, whom we, helped with great forces by your ancestors, subdued by force of arms and reduced beneath our sway."

There is another reading, *quos Magni armis adjutoribus tuis subegimus*, = "whom we conquered by the arms of Magnus, your fellow-citizens helping us." With this reading, *Magnus* = Pompey, who, on his return from Spain in 81, was dignified with the name of *Magnus* by Sylla; *adjutoribus tuis* is a kind of ablative absolute, *tuis* being put for *tuis civibus*, = "your (the prosecutor's) fellow-citizens." Halm reads *magnis adjutoribus illis usi*.

ne quis: "that no one"; after *ne*, *nisi*, *num*, and *si* you must use *quis*, not *aliquis*, for the indefinite pronoun.

capitis vitae: object. genitive; cp. *dimicatio capitis* in § 23.

dimicaret: this is the end of the protasis or "if" clause. The apodosis begins with *graviter*.

jure: "rightly," not "by law." *Jus* is used in a great many senses—(1) "justice," (2) "a court of justice," (3) "legal rights in general," (4) "a special right."

auxilia: *auxilia* here may possibly mean "help," "resources," "reserves," but it is generally used (as in *auxiliis* above) in the special sense of "auxiliaries," mostly composed of contingents from the allies and light-armed troops.

alienigenarum: from *alienigena*, a noun in apposition to *hominum*,

used as an adj. agreeing with *hominum*; there is an adj. *alienigenis*, -a, -um.

studiis the abl. after *privari*; see G., § 318.

§ 26. **nihilo enim magis**: "for none the more," *nihilo* being the abl. of excess, in the same way as *the* in *the more* was abl. in Old English. Some editions read *nihil*, which we should have to construe either as (1) an acc. of respect, or (2) = *non*.

post genus hominum natum: = "since the birth of the race of men," "since the beginning of the world." Remember this construction of a participle and noun in Latin, expressed by two nouns joined by *of* in English; thus, *ante urbem conditam* = "before the founding of the city." Similarly with some adjectives; e.g., *summus mons* = "the top of the mountain."

reperiti sint: subjunct. after *eum* concessive.

interdicto: sc. *praemio* or *omni praemio*, not *nullo praemio*.

Cap. XI., § 27. **cum . . . tum**: "not only . . . but also"; see § 1.

de populis fundis: *fundis* is here the predic., = "about the people becoming ratifiers," or "about the people ratifying." It is possible also to understand an *et*, = "about peoples and ratifiers (cp. *patres conscripti* = *patres et conscripti*); or it may be the verb is omitted because there is no gerund of *fiō*, which is required to complete the sense, in the same way as we have an abl. absolute like *tuis civibus adiutoribus*, = "your fellow-citizens being our helpers," because there is no participle to the verb *sum*.

aut . . . aut: *aut . . . aut* are used of things mutually exclusive, e.g., *aut Caesar aut nullus*, = "either Caesar or no one"; *vel . . . vel* are used of things which may coexist, or where the choice is a matter of indifference to the speaker.

nostrum: some editions read *noster* agreeing with *magister*; *nostrum* agrees with *jus*, which governs *civitatis* (= "citizenship") in the genitive.

iste magister: "that master of ours yonder," the prosecutor who knows nothing about the law professing to teach the law to lawyers.

positum: ("placed," "attached") "dependent on."

ut = "so that."

sciverint: pf. subjunct. of *scisco*, = "if the Gaditani have decreed."

§ 28. **alii**: dat. fem. sing. of *alius*.

dicarit: *dīco*, 1, = (1) "to proclaim," (2) "to dedicate," (3) "to give up." "appropriate." Here the 3rd meaning is used: "who has given himself up to another state," i.e., "who has become a free citizen of another state."

accidisse: a distinction can be generally drawn between the three words, *contingo*, *accido*, and *evenio*, which all mean "to happen"; *contingo* is used of good fortune, *accido* of bad fortune (cp. "accident"),

and *evenio* of indifferent fortune, when it does not matter one way or the other (cp. "event").

hoc solum : *solum* = "scil," i.e., "change their home and abode."

sed etiam postliminio corresponds to "neque solum dicatione post liminium"; lit. means "a return behind one's threshold," i.e., "a return to one's old home and conditions," esp. of a Roman citizen after banishment, or after being made a slave through capture by an enemy,— "the right to return home and resume one's former privileges and rank."

libertino : *libertinus* = a freedman, in reference to his status in society or in the state; he was called *libertus* with respect to his manumitter, i.e., the person who set him free.

apud majores : "in the times of our fathers (or ancestors)," ("among our elders").

legati nostri : after a new province was conquered, the Romans used to send a commission (*legati*), consisting generally of ten senators, to settle the affairs of the government of the province. This happened in Greece in 167 B.C., after the end of the Third Macedonian War, and again after the capture of Corinth, 146 B.C.

latum est : impersonal = "a proposal was brought before the people."

si domum revenisset : the pluperf. subjunct. in the oblique narration here stands for the fut. perf. indic. in Or. Recta. The difficulty was that Publicius had been a citizen of his native state, had then been taken prisoner in war, and from being a slave at Rome had been enfranchised. Now, if he went back to his native land, by the right of "*postliminium*" he would become again a citizen of his city, and consequently of necessity cease to be a citizen of Rome, for a man could not be a citizen of Rome and also a citizen of another city.

Cap. XII., § 29. **Quod si** = "but if"; *quod* is probably the acc. of respect = "as to which if," hence "but if"; so in *De Amicitia*, § 90, *quod contra* = "whereas on the other hand."

Gaditanum : the verb *esse* takes the same case after it as before it, so we should expect *Gaditano* to agree in case with *civi*. The acc. can be explained as follows:—(1) *Errare est humanum*, *Hominem errare est humanum* = "To err is human," (2) "that a man should err is human." From instance (2) we see then an acc. with the infin. *Hominem errare* can be the subject of a verb (*est*); so here (*hominem*) *esse Gaditanum*, that a man should be a Gaditane, is the subject of *licet*, and *civi Romano* is the indirect object.

sive exilio : there were three ways by which a Roman citizen could become a citizen of Gades:—(1) by having been a citizen of Gades before being a citizen of Rome, and losing his citizenship at Rome through going into exile to avoid punishment; (2) *postliminio*, i.e., by having been a citizen of Gades before being a citizen of Rome,

and then returning to Gades; (3) by deliberately refusing the citizenship at Rome, and being enrolled at Gades.

ad causam nihil pertinet: Cicero argues throughout that the terms of the treaty of alliance have nothing to do with the question of Balbus' right to the citizenship.

equidem: see note, § 15.

longe secus: "far otherwise." This is scarcely an appropriate answer to the preceding question. You would expect something like, "For my own part I feel there is no reason at all," in answer to the question, "What reason is there? &c." If you read *ecquid est?* "is there any reason?" *longe secus* will fit in: "I think far otherwise," i.e., "I think there is none." The comp. of *secus* is *secius*, and the word is probably derived from the root of *sequor*, = "following," hence "inferior," "worse," "otherwise." There is also a neut. indecl. noun *secus* = *sex*.

ut quaeque . . . ita maxime: "in proportion as . . . so," "the more . . . the more." Remember the distinction between *quisque* = "each," *quisquam* = "anyone," *quivis* = "any one you like," and *quisquis* = "whoever."

sponsione: an agreement was called a *sponsio* whenever the formal words *Spondesne?* *Spondeo* ("Do you promise? I do") were used on both sides. Notice the omission of *et* before *foedere*, in accordance with the rule explained in § 13.

non dubitarent: "would not hesitate." *Non dubito*, = "I do not doubt," is generally followed by *quin*; the acc. and inf. construction is frequent after the Augustan period, but is not found in Cicero. *Non dubito*, = "I do not hesitate," is generally followed by the infinitive, as here.

idem . . . quod = "the same as." *Juris* is the partitive genit. depending on *idem*; it differs very little in meaning from *idem jus*.

nos non possumus: it is important for the student to remember that a man if he was a citizen of Rome could not at the same time be a citizen of any other state. On the other hand, a citizen of a foreign state could also be a citizen of any number of other foreign states (by *foreign state* is meant any state but Rome).

§ 30. **Atheniensis, &c.:** "citizens of Athens, Rhodes and Lacedaemon." Instead of *Atheniensis* (acc. pl.), Reid reads *Athenis*, = "at Athens."

quo errore: they saw that foreigners could be members of several states at the same time, so they erroneously thought they could be citizens of Athens as well as of Rome.

Athenis: for the case, and omission of preposition, see G., § 257.

judicum: the jurors at Athens, or *heliasts*, were chosen 600 from

each of the ten tribes (*certa tribu*); there were ten courts. The jurors were assigned to a court by lot, each juror drawing a certain number or name (*certo numero*).

Areopagitarum: the members of the Areopagus, the ancient council at Athens, which was composed of ex-archons; it was not limited in number or subdivided into courts, so the words *certa tribu* and *certo numero* apply to *judicium* alone, and not to *Areopagitarum* (Reid).

tribu: notice that *tribus*, although of the 4th decl., is fem.; cp. *manus*, *acus*, *porticus*, and see G., § 46.

reciperassent: this word would be fut. perf. ind. in Or. Recta.

Peritus governs the genit. *juris*; cp. *juris consultus*.

Cap. XIII. **Defendo enim rem universam**: "I maintain the general proposition, I have no need to confine myself to a special case."

nullam esse gentem: "that there is no nation," &c.

§ 31. **divinitus**: means (1) "from heaven," (2) "divinely," "admirably." It may have either meaning here (probably the former), and must be taken with *comparata*.

nostrum: partit. genit.; see supra, § 18.

civitate mutetur: "be changed in (or from) his citizenship," *i.e.*, "be deprived of his citizenship." For the abl. after verbs of depriving, &c., see G., § 318.

Illud vero: *illud* refers to *quod princeps*, &c.

fundavit: this word (from the same root as *fundus*, "bottom," "foundation") = "to lay the foundation," "establish."

nomen: ("name"), "fame."

augeri: *augeo* = "to increase" (trans.), *cresco* = "to increase" (intr.).

cujus auctoritate, &c.: this statement of Cicero's is not quite true. During the whole of the 2nd century B.C., *i.e.*, from 187 onwards, there are few or no instances of a city being enfranchised.

regionibus: there is another reading *generibus*, = "stocks"; if *generibus* is read, *Latium* instead of being the geographical district will = *Latinum nomen*, *i.e.*, the Latin colonies which enjoyed the "Latin franchise."

ut Sabinorum: *ut* = "as for instance." *Sabinorum* is gen. depending on *gentes*; in English we should expect the nom. in apposition to *gentes*.

si qui: *qui* is the nom. pl. of the indefinite *quis* = *aliquis*.

Cap. XIV., § 32. **Etenim** : there is another reading *at enim* which is the common conjunction to begin an answer to an opponent.

ubi non sit : the subjunct. expresses a supposition, indefiniteness. There is another reading *est* which brings out the notion of a fact.

sicubi : "if anywhere," from *si* and (*e*)*ubi*; this word shows that *ut, ubi, unde, &c.*, originally began with *e* or *qu*, like *cum (quum), qui, quis, &c.*

definite : ("definitely"), "in express terms."

potestatem : the difference between *potestas* and *potentia* is that *potestas* = "legal, official authority," *potentia* = "the power derived from wealth," &c., or often "illegal power," "undue influence," like that of a despot.

siquidem sacrosanctum est : "since indeed it is inviolable, sacrosanct." With the reading of our text, these words are the argument of the prosecutor. There is another reading *SI QUID SACROSANCTUM EST*, these words being a quotation by the prosecutor of the terms of the law, the same that we have at the end of § 33.

Poenorum jura : Gades was originally a colony of the Phoenicians, so *Poenorum = Gaditanorum*.

calles : *calleo, -ēre*, in prose writers is generally intransitive; it is frequently transitive in poets, but rarely so in Cicero. Here it is transitive and governs *jura*. The primary meaning of *calleo* = "to be hard," hence "to be hardened by practice," "to have had experience," "to be skilful."

potuisti inspicere : see note, § 20, on *potuit dici*.

judicio publico : the prosecutor had been convicted in a criminal trial, and had consequently been deprived of his civil rights, and so could not make inquiries about the laws.

§ 33. **rogatio** : *rogatio* = an inquiry of the people as to whether they will decree this or that, "a proposed law"; it was called a *lex* after it was passed. Here, however, it is incorrectly used for *lex*.

populus : the whole people, plebeians and patricians, who met in the *comitia centuriata*.

plebesve : the plebeians alone, who met in the *concilium plebis*.

sanxit : "ratified." *Sanctio* = "ratification," "a decreeing as inviolable," hence it came to mean "a penalty"; so in ordinary English the *sanctions* of a law = the penalties by which that law can be enforced.

sacrandaē sunt : *sacro* = "to render sacred or inviolable"; *sacrata lex* = "a law whose violation was punished by devoting the criminal to the infernal gods": so here *sanctiones sacrandaē sunt* = "the penalties (or penal clauses) must be rendered inviolable," "placed under

divine sanction." When the *sanctiones* of the law are *sacrae* the law is *sacrosanct*, and a law is *sacrosanct* when the penalty is inflicted by the gods, whether by the gods alone or by gods and man.

genere ipso: e.g., "a truce"; the penalty of breaking a truce is necessarily inflicted by the gods, because men (*i.e.*, the weaker party) may not have the power.

obtestatione et consecratione: *obtestatio* = "calling the gods to witness the law," and punish its violation; *consecratio* = "execration," devoting the offender to human punishment. The whole of this passage is corrupt. Reid reads, "Sanctiones sacrandae sunt aut genere ipso poenae aut cum obtestatione et consecratione legis, caput ejus, qui contra fecerit, consecratur. With this reading there is a change of construction from the abl. *genere ipso poenae* to *cum consecratur*. With our reading, *obtestatione* is exactly parallel with *genere*, and is the abl. of instr. after *sacrandae*; with Reid's reading, *obtestatione* is the abl. of instr. after *consecratur*.

ejusmodi goes with *quid*. Notice *igitur* is third word in the sentence, though generally it is second; so, a little further on, *de quibus igitur*.

confirmas? "do you assert?"

reciperemus: from *recipio*, "to receive," not from *recipero* or *recupero*, "to recover."

tamen id esset: the construction is, "tamen ratum esset (pluperf.) id quod postea populus jussisset."

de iis refers back to *de quibus etiam* at the beginning of the sentence.

Cap. XV., § 34. *meritae*: "deserving" (act.); see note on *meritos*, § 24.

nixa duabus Hispaniis: "supported by the two Spains," *i.e.*, Hither and Further Spain, Hispania Citerior and Ulterior. The river Iberus separated Hispania Citerior or Tarraconensis from Hispania Ulterior (Lusitania and Baetica). A distinction sometimes drawn between *nixus* and *nixus*, both participles of *nitor*, is—*nixus* = "struggling," "striving, by means of something"; *nixus* = "relying on," "supported by something."

duo fulmina: Lucretius and Vergil call the two great Scipios (Africanus Major and Africanus Minor) "thunderbolts of war," and Cicero may be imitating their words. Reid reads *lumina*.

occidissent: 212 B.C.

primi pili centurio: the Roman army was drawn up in three lines—(1) the *hastati*, consisting of young men, (2) *principes*, consisting of men in the full vigour of life (the two lines of *hastati* and

principes were called *antepilani*), and (3) the *triarii*, consisting of tried veterans. *Centurio primi pili* was "a centurion in the *triarii*."

foedus icisse: "made a treaty." Notice the expression, lit. = "to strike a treaty" (cp. *percutere, ferire foedus*). The phrase probably arose from the striking or slaying of an animal at the conclusion of a treaty. So, in Hebrew, the phrase is "to cut a covenant," from the idea of cutting a sacrifice.

juris periti: for the genit. *juris* governed by *peritus*, cp. § 30.

M. Lepido Q. Catulo: in mentioning the names of Consuls the *et* is usually omitted. The date was 78 B.C.

injussu suo: "without its command." *Injussu* is the ab. and only case employed of *injussus* (-us, m.); cp. *in promptu*, and see G., § 52, 3.

§ 35. *id abest*: the whole of this sentence is sarcastic.

nusquam: "nowhere." We should perhaps expect *nunquam*, but the meaning comes to very much the same thing: what was done at no place, could not have been done at any time.

loci: genit. depending on *nihil*.

populum: *populus* in the sing. means the whole burgess population of Roman citizens (all those who had a right to appear in the Comitia Centuriata); *populi* in pl. = "peoples," "races," "tribes," and is not confined to Roman citizens.

Cap. XVI. *vetustatis*: *vetustas* has several meanings—(1) "old age," "length of years"; hence (2) "antiquity"; (3) "long intimacy" or "friendship"; (4) "posterity," "future ages"—e.g., *de me nulla obmutescet vetustas*, "future ages will never be silent about me," because in future ages the present age will be looked upon as *vetustas*, that is to say, the interval between that future time and the present will be called *vetustas*; hence Cicero calls the same period between now and the future time *vetustas*, i.e., "future ages."

nihil aliud in foedere: this of course must not be taken literally. There must have been other provisions in the treaty. Cicero means that nothing else could possibly be regarded as material to the question in dispute about Balbus' *civitas*.

pia et aeterna pax: by *pia pax* is meant "a peace entered into with all religious solemnities."

id: the words *pia et aeterna pax*.

Majestatem: *majestas* lit. means "greatness" (from *major, magnus*), especially the greatness of the Roman people. *Crimen majestatis*, or more fully *crimen laesae majestatis*, = "charge of treason."

illi in foedere inferiores: "they (the Gaditani) have less favourable terms in the treaty than we have," i.e., the treaty was not *aequum*, but *iniquum*.

§ 36. **conservanto**: the imperative form in *-to* naturally expresses command rather than entreaty. The word *comiter*, = "will oblige the Romans by preserving," takes off some of the sternness of the command. The imperat. form, however, very frequently expresses an entreaty and not a command; e.g., "forgive" or "pardon me." This tense of the imperat. is by some called *future*, but it does not differ appreciably in meaning from the present; cp. § 17, *memoria tenetote*. These imperative forms in *-to* (*hoc genus verbi*) were constantly used in laws, and in treaties also.

quo: abl. after *uti*.

superiore condicione: such a treaty would be called a *foedus iniquum*, because the burdens or liabilities are not equal on both sides. The Romans called a *foedus* "*aequum*" when the Romans had duties to perform equal to or more burdensome than those of the other party. They called a *foedus* "*iniquum*" when the other party had the more burdensome obligations to perform.

qui erranti comiter monstrat viam: a well-known line of Ennius, quoted also in Cicero's "*De Officiis*," I., 51. *Comes benigni facilis suaves* is also probably a quotation out of the same play.

§ 37. **communiter**: "in common," i.e., when the *majestas* of either is in danger, both should join in averting the danger.

si impedimur: the construction is, "*si impedimur quominus per populum Romanum deferamus nostris imperatoribus potestatem tribuendorum beneficiorum virtutis causa.*" The first persons, *impedimur*, *deferamus*, and the words *per populum Romanum*, show that Cicero is speaking as one of the principal members of the senate.

Cap. XVII., § 38. **L. Cornelium**: obj. of *repetentibus*. **legem**: object of *jussisse*. **populum Romanum**: subj. of *jussisse*.

de consilii sententia: see supra, §§ 11 and 19.

lege exceptum: by the *lex Gellia Cornelia*.

§ 39. **id quod defendo**: "the very argument I am maintaining." This meaning of *defendo* (= "I support" or "maintain") is very common in Cicero.

legatione: an embassy from Gades, his native city, to give public evidence as to character on behalf of the defendant. We have a similar instance in the *legatio* presented by the citizens of Heraclea on behalf of the poet Archias, whose claim to the Roman *civitas* was impeached.

qui a principio: Reid reads, "*qui a principio sui generis ac rei publicae, id est ab omni studio, &c.*," and translates, "away from the source of their national existence, and of their government." This reading is preferable to Teubner's, which makes a *principio* = "from the beginning," and *studio rei publicae* = "zeal for the (Roman) state."

Poenorum : objective genitive.

maxima bella : refers especially to the Second and Third Punic Wars.

a quibus inferrentur : these words are not in Reid's text, but must be supplied to complete the sense, and explain *eos* = the Carthaginians. Gades was not a colony of Carthage, but, like Carthage itself, was colonised by Phoenicians. It was a commercial rival of Carthage, and had been cruelly treated by the Carthaginian general, Mago, before he abandoned it to the Romans.

classibus : Gades supplied ships to the Romans at the end of the Second Punic War.

copiis : notice the omission of *et* as required by the rule ; see § 13 ; and cp. *delubra* just below.

Marciani . . . Catuli : see §§ 34 and 35.

ara : "an altar." All altars were sacred places of refuge. Those who fled there were considered to place themselves under the protection of the gods to whom the altars were consecrated : to injure an enemy, or even a slave or a criminal, while he was at the altar, was a sacrilege. Reid reads *arce* = "a citadel," regarded as a place of safety.

delubra : for omission of *et*, cp. supra, *copiis*.

Hercules : son of Jupiter and Alcmena ; was ordered by Eurystheus to attempt what are now known as the famous Twelve Labours of Hercules, which he successfully accomplished after many journeyings and many toils and dangers. After Hercules had traversed the greater part of Africa, he came to Gades, and, having erected pillars on the continents of Africa and Europe, arrived in Spain.

§ 40. **testantur** : *testor* = (1) "to be a witness" (rare and not in Cic.), (2) "to bear witness to," (3) "to make a will," (4) "to call as witness." The fourth meaning is the one used here, and *imperatores* is the obj. of *testantur*.

Scipiones : refers to the two Africani, but according to some authorities refers to Cn. Scipio the proconsul, and P. Scipio mentioned above.

Brutos : "men like Brutus" ; see Appendix. This use of the plural (*Bruti* = "men like Brutus") is common and idiomatic.

Horatios, Cassios : Reid reads *Flaccos, Crassos*, and says that the word *Brutus* suggested to the copyist the words *Horatius* and *Cassius*, with whom a Brutus at two different periods was historically associated. With regard to the confusion of Horatius and Flaccus, it is curious that the name of the great Roman lyric poet is Q. Horatius Flaccus. No *Horatius* is known whose history suits this passage. Porcius has been suggested, which will refer to M. Porcius Cato, who carried on a long war in Spain. The *Cassius* is also hard to identify : the

reference may be to a Cassius who was twice consul and enjoyed two triumphs.

magnum bellum : the great war with Sertorius.

hoc tempore : *i.e.*, about 58 B.C. Pompey was appointed *praefectus annonae* with extraordinary powers, in consequence of a great scarcity of corn at Rome. He had authority to levy supplies of corn for Rome from all towns in the Roman Empire. Ordinarily this corn would be paid for at a fair value, but many subject states, who were anxious to ingratiate themselves with Rome, used to send corn as a free gift. Gades seems to have done this many times before.

caritate : this word, formed from *carus*, preserves the two meanings of "dear"—(1) "affection," (2) "dearness," "high price," "scarcity."

annonae : *annona* from *annus*, = lit. "the yearly produce," hence "means of subsistence," "corn," hence "the price of grain or other food," hence "the prices or the markets."

se hoc jus esse, &c. : the construction is, "testantur imperatores nostros . . . et populum Romanum se hoc jus esse velle, ut locus sit in nostris castris . . . acie, sibi et liberis si qui eximia virtute fuerint."—"They call our dead generals and the Roman people to witness that they wish the following law to exist, viz., that there should be a place in our camps, &c., for those of them and their children who were especially brave, and that by these steps they should ascend even to the citizenship."

Cap. XVIII, § 41. **Afris, Sardis, Hispanis** : cp. § 24.

multatis : "punished by having to surrender territory and pay tribute."

foedus : we must understand either *esse*, from *impositas esse*, or else *ictum esse* ; *icere foedus* and *imponere leges* being corresponding expressions.

hospitium publice : the Gaditani had made Balbus their *publicus hospes*, or *patronus*, at Rome ; cp. § 25.

tesseram : *tessera* (*sc. hospitalis*) was a tally or token which was divided between two friends, in order that by fitting the two portions together they or their descendants might always recognise each other. Sometimes, instead of dividing one *tessera*, each of them kept one of two similar *tesserae*.

With the idea of joining the two portions of the *tesserae*, cp. the English word *indenture*, which was a sheet of parchment or paper divided unevenly in two, each party preserving one part, the indented edge of which naturally fitted into the other. *Tessera* literally = "a square tablet," hence = (1) "a die," (2) "a tablet on which a watchword was written," hence "a watchword," (3) "a token between friends."

excito : a technical word for calling witnesses.

laudatores : the technical word for *witnesses to character*, who would naturally praise up the party on whose behalf they are called.

hujus periculi : *periculi* is obj. gen. of *deprecatores*, and *hujus* probably = "of him" or "his" (Balbus'), and depends on *periculi*. It could, however, be the genit. agreeing with *periculi*.

re denique multo : the reading in the text is corrupt, and cannot be readily translated; *inaudita* must be taken, not as = "unheard," but as from *inaudio*, which scarcely differs in meaning from *audio*. **Huic** = Balbo; *illo* and *istum* refer to the prosecutor, who was also a citizen of Gades. Reid reads, "re denique multo ante Gadibus audita, ne forte huic ab illo periculum crearetur, gravissima in istum civem suum Gaditani in senatu convicia fecerunt." **Convicia** = "abuse."

§ 42. **magis** : the distinction between *magis* and *potius* is that *magis*, strictly a compar. of *magnus*, "great" (*major*, *majus* = *magior*, *magius*, or *magis*) = "more," "greater," while *potius* (from *potis* = "able") = "more able," "better."

magnopere : "greatly," for *magno opere* (the reading of Reid), = "with great work."

scita ac jussa : *scita*, from *scisco*, "to adopt," has special reference to the *plebiscita*, or resolutions of the plebs as passed in the *Comitia Tributa*. *Jussa* = "commands," generally.

mutatum : "changed from," *i.e.*, deprived of the citizenship.

judicium voluntatis : *judicium*, = "judgment," is a better reading than *indicium* = "sign," "token."

multa : "punishment," the same word as in *multatis*, § 41.

civis . . . testis : acc. pl., = *cives*, *testes*.

§ 43. **quin sentiat** : see G., § 461.

Gaditanis : dat. of agent after *retinendum*; see G., § 294.

in perpetuum : Reid reads *perpetuo*, and omits the *in*.

civitatis : descriptive genit., Roby's Gr., §§ 1302-1306; cp. § 10, *amplissimae dignitatis*; not the same as gen. of quality, G., § 274.

quis est enim nostrum : for the partitive genit. *nostrum*, see G., § 269, and also note on *nostrum*, § 18.

Cap. XIX. **cum esset praetor** : Caesar was *propraetor* in Hispania Ulterior in 61 B.C., and Balbus was his *praefectus fabrum*.

controversias sedarit : we must either supply *quantas*, from *quantis*, or else (and preferably) supply *ut* = "how," which can go with the rest of the verbs in the sentence. The *controversias*, according to Plutarch, were troubles and disputes between creditor and debtor.

disciplina : "teachings," "institutions."

hujus : *i.e.*, Balbus.

cotidie: *in dies* = "increasing or decreasing day by day"; *cotidie* = "every day," or "daily," without any reference to increase or decrease.

consequantur: the subjunct. seems unnecessary here; it may be explained perhaps as a generic subjunctive.

ex nobilissimo civi: *ex* = "out of," "after having been," a most distinguished citizen. *Civi* is the abl.; the termination *i* is more common in Cicero than the termination *-e*.

§ 44. **afficiantur**: in Cicero *quamquam* is followed by the indic., and *quamvis* by the subjunctive. Here *afficiantur* is in the subjunctive because it expresses a presumed opinion of the Gaditani, and not simply because it is governed by *quamquam*.

praesentis, ignorantis: accusatives.

quo de jure, &c.: *i.e.*, "numquam omnino esse dubitatum de eo jure de quo hoc iudicium constitutum sit."

§ 45. **profecto**: "assuredly," from *pro* and *facto*, lit. = "for a fact."

Cap. XX. **de iure praediorio**: a *praedior* was a "purchaser of mortgaged estates sold at auction" (*praedia*), "a dealer in landed estates." A *praedium* was a property which was made a security to the state by a *praes* ("surety," "bail"). Hence it came to mean land generally. The whole law relating to the *praes, praedium, and praedior* was called *ius praediorium*.

consultores suos: "those who consulted him," *i.e.*, "his clients."

de aqua nostra Tusculana: "concerning the stream of water that runs through my (Cicero's) estate at Tusculum."

§ 46. **graviorem constantiorem**: Marius was a native of Cicero's birthplace Arpinum, and was perhaps a distant family connexion. He is the only great democratic leader whom Cicero consistently praises.

summa virtute: one MS. omits *summa*, but *praeditus virtute* without a qualifying adjective is not good Ciceronian Latin. A man of valour cannot be translated by *homo virtute*; a qualifying adjective, such as *magna* or *summa*, must necessarily be added.

cohortem: a *cohort* contained three *maniples*, and each *maniple* contained two *centuries*. A legion consisted of 10 cohorts = 30 *maniples* = 60 *centuries* = about 5000 or 6000 men and officers.

ut non: "in such a way that not,"—"Can L. Cornelius be condemned without Marius' act also being condemned?"

§ 47. **imperitum, rudem, ignarum**: all govern the genit.

stipendiis: *stipendium* is strictly a "tax," "duty," hence as a military term, "pay," "stipend," hence "military service," by which the pay is earned.

legationibus bellicis: Marius was legate under Metellus in the Jugurthan War, and legate under P. Rutilius Lupus (90 B.C.) in the early portion of the Social War. Besides *legationes bellicae* there were also *legationes publicae*, as when a person was sent as an ambassador to make peace.

meruisset: sc. *stipendia*, = lit. "if he had earned pay"; see note on *stipendia* just above; hence *merēre* came to mean simply "to serve"—"if he had served under as many consuls as he himself held consulships." Marius was consul seven times, and the meaning here is, if he had only seen seven years' service as a soldier.

Cap. XXI., § 48. **Licina et Mucia lege**: B.C. 95, passed by the Consuls Licinius Crassus and Mucius Scaevola (the pontiff), prevented aliens from exercising the rights of citizens at Rome. The *acerrima quaestio* refers to the *quaestio extraordinaria* which was held: those who were convicted were ejected from Rome, and had to return to their own cities.

dixit causam: *causam dicere* = "to defend one's-self," "make a defence," hence = "to be prosecuted."

ex colonia Latina: refers to Spolegium; see Appendix. *Coloniae Latinae* had the *jus Latii*, but not full Roman citizenship.

non dixit: notice the difference in meaning between *non dixit* and *negavit*.

de suo jure: cp. § 21.

lege Apuleia: L. Apuleius Saturninus carried two laws "*de coloniis deducendis*."

C. Mario: dat. of advantage = "for Marius."

in singulas colonias ternos: "for each colony he might make three Roman citizens." Notice the distributive *ternos*, and also the acc. *colonias* after *in*. An idea of motion is necessarily involved in that of distribution: we should naturally have expected the abl.

re ipsa: the laws of Saturninus were, after he was pronounced a public enemy, declared invalid by the senate. No colonies had been founded, so the right established by the law in case of new colonies could not arise.

§ 49. **similitudinis**: partitive genitive depending on *nihil*, = "no likeness."

judices: "gentlemen of the jury."

dilectum virtutis: is the subject of *eripi*, and is parallel with *spem praemiorum*, which is also subject of *eripi*. *Dilectus* is a spelling found in the best MSS. = *delectus*, "choice"; *dilectus*, -a, -um comes from *diligo*, "I love," but from this verb there is no fourth declension substantive in -tus.

imperatorius ardor oculorum: "the bright flashing glance of a general." We are reminded of the story of the slave who was sent to murder Marius when in prison. After the slave had entered the cell he perceived through the gloom the bright eyes of Marius, who said, "Slave, darest thou slay C. Marius?" Marius' look and words took away what little courage was left in the slave, who thereupon departed without fulfilling his orders.

discrimen: "distinction" (the primary meaning). This word also means (2) "interval," "distance," (3) "decision," "turning point," (4) "danger."

gratiosos: "full of influence," "popular."

quisquam: *quisquam* may only be used in negative and comparative sentences, and interrog. sentences expecting the answer *no*. Here the conditional sentence is virtually equivalent to a negative statement—"no defender of this empire can die," and *quisquam* is allowable.

immortalis: the position of this word shows that it is emphatic, and must be taken as a predicate.

Cap. XXII., § 50. **Italico bello**: the Social War, 90-88 B.C.

C. Fabricio consule: Fabricius was consul in 282 and 278; his first consulship is alluded to. Notice this phrase is a kind of abl. absolute; it cannot be the abl. of the agent after *ictum*, for this would require a preposition *ab*.

eros novem: this reading is probably corrupt, and the emendation of Reid, "*servos novem*," is very neat and satisfactory. *Erus* = "a lord," "master," "landed proprietor." Some texts give *idem heros* = "the same hero," *i.e.*, Sulla.

M. Crassus: counsel for the defence, together with Pompey and Cicero.

Avennensem: v.l. *Aveniensem*.

§ 51. **conaris**: followed by the infin. *infirmare*.

"With *ask, command, advise, and strive,*
By *ut* translate infinitive,
But not so after *jubeo* nor
After verb deponent *conor*."

patrem suum: Cn. Pompeius Strabo, Consul, B.C. 89.

in uno Cornelio . . . Ovios . . . Fabios: enfranchised slaves generally adopted the *praenomen* and *nomen gentilicium* of their former masters. Thus the enfranchised slave of M. Tullius Cicero was M. Tullius Tiro. To the *praenomen* and *nomen* was added generally the name he had borne as a slave. The names in the text show that the members of Cornelian, Ovian, and Fabian *gentes* were concerned in bringing about the respective enfranchisements. Instead of *Ovios* and *Fabios*, there is another reading, *obvios* and *fabros*.

utinam possent: *utinam* with past tenses of the subjunct. expresses a wish that cannot be fulfilled, with present tenses a wish that can be fulfilled.

contra: adv., = "on the other hand," and not a prep. governing *oppugnatores*.

exterminari: in the literal sense of *ex* and *terminus* = "to be driven out of the ends or limits of a country." The meaning "to exterminate" or "destroy" is derived from this.

ille summus poeta noster: Ennius. Notice the use of *ille* = "that famous man." Cp. *Alexander ille* = "the great Alexander."

magis Hannibalis quam communem imperatoriam: notice the genitive *Hannibalis* corresponding to the adjectives *communem imperatoriam*. Ennius did not intend the exhortation to be the thought of Hannibal rather than the common thought of all generals.

Carthaginiensis: a Carthaginian, *i.e.*, a friend, whether as a matter of fact he be a Roman or Spaniard or not:—those who help me to kill my enemies I esteem as my friends.

cujatis: "of what country." Besides the form *cujatis*, *-is*, there is another form, *cujas*, *-atis*. Reid reads,—"*Hostem qui feriet, erit, inquit, mihi Karthaginiensis, quisquis erit. Cujus civitatis sit, id habent hodie leve, et semper habuerunt.*" With this reading the quotation ends at *quisquis erit*, and Cicero goes on, "What country a man may belong to, to-day they consider it a light matter, and have always so considered it"; *id* refers to *cujus civitatis sit*. With Teubner's text either *id* or *hoc* is superfluous, and here too *id* or *hoc* refers to *cujatis siet*; *siet* is the old uncontracted form of *sit*. The subjunctive seems strange beside the future indic. *erit*, but the slight difference in meaning expressed is easily seen.

Cap. XXIII., § 52. **Dabo etiam**: "I will add also."

judicium: genit. depending on *interpretationem juris ac foederum* understood.

quaestioni: *quaestiones* = generally "*quaestiones perpetuae*," or "standing courts," but it is uncertain whether there was a special court for cases of citizenship.

prae se ferrent: *prae se ferre* = "to carry before one's-self," as if to show it, hence = "to show," "display."

Mamertinis repetentibus: "the Mamertines claiming him back as their citizen"; cp. § 38. †

et de civitate accusatus: "was prosecuted on the subject of his citizenship."

factus esset: the subjunctive after *quod* expressing the reason; see G., §§ 487, 488.

§ 53. **quem constaret**: the subject of *constaret* is *quem donatum*

(*fuisset*), and lit. = "the fact of whose having been presented with the citizenship . . . was known for certain."

ab imperatore nostro : "by a general of ours."

consulibus : B.C. 493.

in columna aenea : there has always been a dispute among scholars with reference to this monument, its situation and the inscription it was supposed to contain. The ancient Romans used to write their laws and treaties on brazen monuments, and place them in the Forum, in which stood the rostra.

rostra : *rostra* is the pl. of *rostrum*, "a beak of a bird," or "prow of a vessel." The *rostra* was a stage or platform for speakers in the forum, so called from being adorned with the beaks of ships taken from the Carthaginians, 260 B.C.; hence it came to mean the "platform" or "pulpit" of any orator. According to one authority the brazen pillar was not near the *rostra*, but in the temple of Diana.

perscriptum : *perscribo* = "to write at full length," here simply "inscribed."

damnato T. Caelio : one means of becoming a citizen was by successfully prosecuting a citizen; a citizen could, by successfully prosecuting another citizen who belonged to a higher or more respected tribe, gain admission into that tribe. Similarly a senator might attain a higher grade by successfully prosecuting another senator. Balbus himself on one or two occasions took advantage of these rules.

§ 54. **An** : see G., § 415.

patefieri : the pass. of *patefacere*.

spolia : the reasoning is, Can a non-citizen by a successful prosecution obtain the citizenship through despoiling a Roman citizen of it, and yet by acts of courage against the enemy be unable to obtain it?

Cap. XXIV. lege Servilia : probably passed about 104 B.C., provided that a Latin who successfully prosecuted a person for *repetundae* ("extortion") should be made a full Roman citizen.

id est foederatis : the *foederati* were a larger class than the *Latini*, so *id est* does not merely explain, but extends the preceding word, = "or rather."

reprehensum : either (1) "blamed," or (2) "snatched back," "taken away."

Licinia et Mucia lege : cp. § 48.

nomen : *de rebus repetundis*.

calamitate : *calamitas* often used euphemistically instead of a stronger word, such as "death" or "loss of *caput* or *status*."

dubitandum fuit : "could it have been doubted?"

judicium praemia : *judicium* goes with *praemia*, not with *genere*.

Reid reads *judiciorum*, the meaning of which varies very slightly from that of *judicium*, and the word answers to the following *judicia*. With *genere* understand *rerum*.

§ 55. **Sacra Cereris**: Ceres, the goddess of corn, was the mother of Proserpine. The *Cerealia* was the great festival at which she was worshipped. The worship was introduced from Greece, its priestesses were Greeks, and the terms used were Greek.

religione . . . caerimoniaque: "internal and external religion," *i.e.*, "religious feeling, and outward ceremonies."

et per Graecas: the *et* here introduces the apodosis, "since they were introduced from Greece they were both . . . and . . ."

illam: the priestess.

monstraret: *monstrare* is applied especially to mysteries, *facere* to all religious rites.

peregrina externa, domestica civili: notice the *chiasmus*, the two inner terms *externa* and *domestica*, and the two outer terms *peregrina* and *civili*, corresponding to each other. The word *chiasmus* is derived from the Greek letter *chi*, and signifies *crossing*, because the order of the words in two coordinate clauses is interchanged or reversed: *e.g.*, "*ratio consentit, repugnat oratio*," instead of "*oratio repugnat*."

ante civitatem datam: "before the giving of the citizenship."

de senatus sententia: cp. § 19, l. 25. The *Lex Julia* of B.C. 90 is here referred to.

mitto: "I dismiss," "omit the old examples."

praetorem urbanum: there were two praetors—(1) *praetor urbanus*, (2) *praetor peregrinus*. The latter had to judge in all cases in which a foreigner was concerned. The former, often called *praetor* simply, was the judge in litigation between citizens. When the territory of Rome began to extend beyond Italy, new praetors were made to govern the provinces. Two new praetors were created for Sicily and Sardinia in B.C. 227, and two more were added from time to time, until, under Julius Caesar, there were sixteen.

tulisse: "brought forward a law."

Cap. XXV., § 56. a pluribus peritissimis: Crassus and Pompey had already spoken.

postularet: the indic. *postulabat* would have stated a fact, the subjunct. = "than the subject would, in the opinion of most people, demand."

alienis bonis: "at the welfare of others"; *bonis* is a subst. in the abl. case.

redundarent: *redundo* (from *re* or *red* = "again," and *unda*, "a wave") = "to flow back in waves," "to overflow," is often followed

by *in* with the accusative: the abl. here expresses the place or extent of the overflow.

pecuniam: governed by *videbatis*.

luxuriam: also governed by *videbatis*.

non aliquo: in negative sentences *quisquam* and *ullus* are generally used instead of *aliquis* = "any"; here, however, *aliquis* does not mean "any," but "some special."

Tusculanum: sc. *praedium*, "his estate or country house at Tusculum." Rich parvenus often aroused great jealousy by buying up the old family mansions and estates of distinguished people. Cicero himself incurred some ill-will in this way. *Tusculanum* is also governed by *videbatis*.

Crassum emisse and (*Tusculanum*) **pervenisse** depend on *non tenebat*.

non tenebat: = *non tenebat in memoria*, opp. to *meminerat*. He remembered that the estate belonged to Metellus and Crassus, but did not remember how it came to belong to them.

praediorum nullam esse gentem: "that there was no family descent in estates," i.e., in Rome estates were alienable, could be sold to any one; they were not entailed, or bound as a matter of necessity and of law to descend from father to son and always remain in the same family.

tutelas: *tutela* was the right and power of being the guardian of one who, on account of his age, could not look after himself. Parents had the right of appointing *tutores*, or "guardians," by will: the nearest kinsmen were usually appointed guardians, and if they were passed over, it was regarded as a slight upon their character. The power of appointing *tutores* was regulated by statute.

§ 57. **Clustumina**: The ancient tribes were all named after noble houses. The Crustumine or Clustumine, so called from the Sabine town Crustumium, was the first to be described by a local name. It was added in 495, when the tribes were increased from 20 to 21; eventually, in 241, there were 35 tribes. It was more honourable to belong to an old than to a more recently enrolled tribe, and also more honourable to belong to a rustic than to a city tribe.

legis de ambitu: *ambitus* strictly means "going round" (*ambi, eo*) for the purpose of canvassing. In order to obtain office at Rome the candidate had to canvass the electors, and often resorted to bribery and corruption. A *lex de ambitu* corresponds to our Corrupt Practices Act. One of the penalties for violating the law was incapacitation from being a candidate for ten years. A successful prosecution for bribery enabled the prosecutor to become a member of the tribe of the defendant, if the defendant's tribe was more honourable than his own. This mode of promotion, Cicero contends, is the least invidious.

praetoriam sententiam: the members of the senate were classed

in order of dignity according to the offices they had held, *e.g.*, *ensorii*, *consulares*, *praetorii*, *aedilicii*, *quaestorii*, and they were called upon to speak in that order. The vote of a *praetorius* was called *praetoria sententia*. By a successful prosecution an *aedilicius* could be raised to the rank of an *praetorius*.

praetextam togam: "a toga bordered with purple," worn at Rome by the higher magistrates, and by free-born children until they assumed the *toga virilis*.

consecuntur: Cicero is fond of slightly varying his words, *e.g.*, *consecuntur* as a variation of *adsecutus*.

Theophani: the Ciceronian genit. of Theophanes. This is a subjective genitive = "adoption by Theophanes."

praeterquam propinquorum suorum hereditates: the meaning is not clear. Perhaps Theophanes had married into the family of Balbus, and Balbus, by being Theophanes' heir, only inherited the property of his own relations. Perhaps we are supposed to understand that the money received by Balbus through Theophanes originally belonged to Balbus' own family.

The prosecutor tries to bring odium on Balbus by referring to five things, *viz.*: (1) his wealth, (2) his luxury, (3) his Tusculan estate, (4) his entry into the Clustumine tribe, and (5) his adoption by Theophanes.

Cap. XXVI. **Quamquam**: "And yet."

more hominum: "after the manner of men," "as men always do."

circulus: *circulus* = (1) "a circle," (2) "a necklace," "chain," (3) "a circle" or "company for social intercourse." Its meaning here is very similar to that of *conviviis*.

vellicant: = "to pluck," "pull to pieces," "rail at." Similarly, *rodo*, which lit. = "to gnaw," means also "to backbite," "slander."

inimico . . . malo: a contrast between simple hostility and wickedness.

§ 58. **amicis L. Corneli**: an allusion to Pompey and Caesar. There can be no doubt that the prosecution was aimed more at them than at Balbus.

huic pertimescendi: for this ordinary use of the dat. of the agent after gerunds, see G., § 294.

fortunaē: dat. after *concessit* = "to give way."

hominis potentissimi: Caesar.

neminem unquam: *nemo* is a contraction for *ne homo* = "no man." Notice the repetition of the negative after *nemo* in *non re, non verbo*, &c. In English we dispense with the second negative.

ulterius rationis apartis: "of the other principles and party."

Caesar led the popular party, so the *alterius partis* refers to the Senate.

temporum: *tempora* is often used by Cicero in the sense of "danger"; so, *communium temporum* = "of our common national danger."

in ruinis nostris: "my (*i.e.*, Cicero's) banishment."

sordibus: *sordes* primarily means (1) "dirt, squalor"; hence (2) "mourning garments" (which were usually soiled); hence (3) "mourning." The meaning required here is "mourning." Reid reads *discordiis*.

officio: "service"; *officium* properly means "duty," or "sense of duty"; hence "a service instigated by duty."

operā: the abl. of *opera* = "service," "pains," "exertion"; the pl. *operae* = "workmen." This word must be distinguished from *opus*, *-eris*, n., "work."

me absente: Balbus was constantly trying, during Cicero's absence and banishment, to bring about a reconciliation between him, Caesar, and Pompey. Balbus also gave help to Cicero's family during his exile.

§ 59. **ut eos . . . diligitis**: "as you love those"; the following *sic* corresponds to *ut*. Distinguish *diligo*, *-exi*, *-ectum*, 3, "to love"; *deligo*, *-egi*, *-ectum*, 3, "to choose"; and *delēgo*, 1, "to appoint"; and *dēligo*, 1, "to bind down."

facultate . . . loco: the "means or opportunities," and the "position" of Balbus in the retinue of Caesar.

et grata esse vobis et probata: depends on *spero*.

a suorum inimicis: "by the enemies of his friends," *e.g.*, the enemies of Pompey.

Cap. XXVII., § 60. **erit**: the future *erit* makes the construction of the sentence regular. Reid has *erat* = "was after all," "was as Pompey stated": after the imperf. *erat* we should expect *gereremus* and *temperaremus*. Cicero, however, is not merely repeating Pompey's statement, but is putting forward a principle that still continues.

temperemus: *tempero* is used both (1) actively, in sense of "rule," "manage," and (2) intransitively, as here, in sense of "to spare," "be indulgent to."

satis ponderis: *ponderis* is partitive genit. governed by the quasi-noun *satis*.

fortium virorum: predic. genit., = "the part of brave men."

muneri: according to Reid, *munus* is "a legal duty," and *officium* "a moral duty."

sapiens: this word is generally only applied to persons: here it is applied to the abstract *contentio*.

aliquid : see G., § 383.

§ 61. **dolorem alii** : *alii* = "others of my party"; *dolor* = "grief of heart"; *luctus* = "outward signs of grief," e.g., "lamentation," "mourning"; *maeror* = "mourning," "sadness."

tueri : *tueor* means both "to look at" and "to look after," "care for," "protect." From the latter meaning comes *tutus*, "safe," and *tutela*, "guardianship."

supplicationum : a *supplicatio* was a public offering-up of prayers either by way of thanksgiving for good fortune, or of religious humiliation in consequence of misfortunes. The thanksgiving originally lasted only one day, but later on three or five days became usual. A supplication of ten days was decreed to Pompey on the conclusion of the Mithridatic War, one of fifteen days to Caesar on his victory over the Belgae, one of twenty days on his victory over Vercingetorix.

numero . . . novo : fifteen days; the *supplicatio* was decreed in 56 B.C. A *supplicatio* was generally, but not always, a prelude to a triumph.

idem : the senate.

angustiis aerarii : probably refers to the dearth of money in consequence of the money spent to provide corn at the time of the famine.

decem legatos : a provincial governor generally had three *legati* : ten were granted to Caesar.

lege Sempronia : the *Lex Sempronia* of Caius Gracchus required the senate to fix the consular provinces before, instead of after, the election of the consuls. Caesar had held the province of Gaul since 59 B.C., and his term would expire in 54 : if one of the consular provinces to be given to the consuls of 55 B.C., after their term of office, had been Gaul, Caesar could not have had his term prolonged, as it was prolonged, for another five years.

succedendum : see G., § 536.

dissensionem, &c. : "to assent to my former quarrel"—to join the party who are opposed to Caesar as I used to be.

potius : the meaning of *potius* (= "more preferable," "better") is evident here; *magis* = "more," "greater."

temporibus : "danger," "crisis"; see § 58.

inconstantis : pred. genitive.

tempestate : *tempestatas* = (1) "time," or "times," (2) "tempest," "storm"; the first meaning is probably the one intended here.

§ 62. **semel** : "once," "once for all"; *olim* = "at a distant time," whether past or future, usually past.

fortasse : may be, and is usually, followed by an indic.: *forsitan* in Cicero always takes the subjunct.

confidimus: *confido*, -*fisus sum*, 3, is a semi-deponent verb, like *audeo*, *gaudeo*, and *soleo*.

humanitate: "kindly, refined feeling."

Cap. XXVII., § 63. **huic**: Balbus.

fraudem: *frans*, besides its ordinary meaning of "fraud," "deceit," also signifies "destruction," "ruin," "injury," as in the phrases *sine fraude* and *fraudi esse*.

adulescens: "when a youth."

praetura: 62 B.C. in Spain. **consulatu**: 59 B.C.

praefectum fabrum: "chief of the workmen or engineers," who had to make roads, bridges, &c.; also ramparts, trenches, engines of war, &c. It was a position of great trust. *Fabrum* is the contracted genit. pl. of *faber*, -*bri*, m. G., § 19, *Obs.* 5.

detulit: *deferre aliquem* = to recommend a person for future consideration and reward for his services to the state.

vos . . . tales viros: the members of the jury.

§ 64. **nuntium**: *nuntius* = (1) "a messenger," "bearer of news," and (2) "a message," "news." The word is said to be derived from *novi-ventius* = "coming with news."

aliquid delictum: *aliquod* is the adjective neut. of *aliquis*; *aliquid* is generally a noun (see supra, § 60). In negative sentences *ullus* and *quisquam* are used instead of *aliquis*; here *aliquod* = "some special," and not "any"; cp. § 56, "non crimine *aliquo* libidinis."

suam familiaritatem: *suam* is used because it refers to Caesar ("friendship with Caesar"), the subject of *audiat*. On the other hand we have *ipsius delictum*, referring to Balbus.

miseremini: *misereror*, *obliviscor*, and *reminiscor* govern the genitive. It will be seen that these are deponent or rather reflexive verbs; e.g., "I remind myself of his poverty," *reminiscor ejus egestatis*; see G., § 279.

hujus summi viri: Pompey.

videte: "take care."

honestius: *honestus* = "honourable"; it never means *honest* in the sense of merely knowing the difference between *meum* and *tuum*.

illis ducibus . . . hoc magistro: ablatives absolute; *illis* refers to the names just mentioned, *hoc* = "the prosecutor." They could not be the abl. of the agent, because the preposition *a* or *ab* would be required.

quicquam novi sentiatis: "come to any novel resolution"; *novi* generally contains the notion of something revolutionary.

§ 65. **omnium peccatorum quaestiones**: originally a *quaestio* was instituted only to meet a special offence, and there were no permanent courts. The first *quaestio perpetua* was founded by the *Lex Calpurnia de Repetundis*, and subsequently permanent courts were established for *ambitus*, *majestas*, and *peculatus*. The praetor presided at these criminal trials.

Accedat etiam illud: lit. = "let the following also be added" (to your thoughts, supplied from *cogitate*); *illud* always refers to what follows.

calamitati . . . ornamento: predicative datives.

tenetote: the so-called future imperat., does not differ in meaning from the present, is used for the most part in archaic, legal, and extra-impressive language.

HISTORICAL AND GEOGRAPHICAL INDEX.

A.

Africa (§ 24).—Africa is sometimes used for the whole continent of Africa, but is more generally limited to that part which the Romans made into a province, 146 B.C. It consisted of the whole of the former territory of Carthage, and corresponded to the modern regency of Tunis.

Antistius (§ 48).—L. Antistius, a person not well known, was tribune in 58 B.C., and prosecuted T. Matrinius for not having a proper title to the Roman citizenship. Perhaps we should read P. Antistius instead of L. Antistius. P. Antistius was a great orator and advocate, tribune of plebs B.C. 88, and father-in-law of Pompeius Magnus.

Apuleius (§ 48).—See Saturninus.

Aquilius (§ 45).—C. Aquilius, a very brilliant and learned all-round lawyer in the time of Cicero.

Aristo (§ 50).—A citizen of Massilia, or Marseilles, was presented with the Roman citizenship by Sulla.

Avennensis (§ 50).—A citizen of Avenio, a town of Gallia Narbonensis.

B.

Balbus.—L. Cornelius Balbus, the defendant in this action: see Introduction.

Brutus (§ 40).—D. Junius Brutus Gallæcus, triumphed over the Gallæci in 136 B.C. He was a contemporary of the Gracchi, and one of the most celebrated generals of his age.

C.

Caepio (§ 28).—Q. Servilius Caepio, praetor B.C. 110, consul B.C. 106. The province of Gallia Narbonensis having been assigned to him, he captured and plundered the city of Tolosa, which had joined the Cimbri. The booty he thus obtained was immense, but in the following year, in consequence of a quarrel between him and the Consul Mallius, the Romans sustained at the hands of the Cimbri the most severe defeat they had ever suffered,—80,000 soldiers and 40,000 camp followers were killed. This defeat was regarded as a result of

the plunder of Tolosa, and *Aurum Tolosanum* became a proverb for great wealth unlawfully obtained and leading to misfortune. Caepio was deprived of his *imperium* by the people, and in 95 B.C. was brought to trial and sent to prison for his misconduct in the war. According to some accounts he fled to Smyrna directly after being deprived of his *imperium*, so that, by becoming a citizen of that town, and therefore ceasing to be a Roman citizen, he might escape further punishment for his malpractices.

Caesar (§ 61, &c.).—C. Julius Caesar, born 100 B.C., was quaestor in 68, and Pontifex Maximus in 63 B.C. He opposed the punishment of Catiline and his followers, with whom he is supposed by some to have been in league. He entered into an alliance with Pompey and Crassus (called the first triumvirate) in 60 B.C., was consul in 59, in which year he was invested with the command of Gaul and Illyricum for five years. By the *Lex Trebonia* in 55 B.C., Caesar's command was prolonged for another five years. During this period of ten years he completely reduced the Gauls. In 50 B.C. attempts were made to deprive him of his command, but in 49 B.C. he crossed the Rubicon, and pursued the followers of Pompey, who retreated at his approach. He was consul a second time in 48, defeated the Pompeians at the battles of Pharsalia (48), Thapsus (46), and Munda (45), but was assassinated by a band of conspirators led by Brutus in 44. The thanksgiving decreed by the senate for Caesar's victories in 58 and 57 B.C. over the Gauls extended over fifteen, instead of the usual one or three days. The number of *legati* assigned to a provincial governor was usually three, but Caesar had ten. Balbus, the defendant in this trial, was one of the trusted officers and friends of Caesar, under whom in Spain and Gaul he held the office of *praefectus fabrum*.

Caesius (§ 50).—P. Caesius, a Roman *eques* of Ravenna, received the Roman franchise from Cn. Pompeius, the father of Pompeius the Great.

Calliphana (§ 55).—A priestess of Velia. In 98, Flaccus, the *praetor urbanus*, on the authority of the senate, brought a bill before the people that Calliphana should be made a Roman citizen. This was done in order to enable the priestess of a foreign divinity at Rome to perform sacrifices on behalf of Romans, the Velienses not having yet obtained the Roman franchise.

Camerinum.—See Camertes.

Camertes (§§ 46, 50).—The inhabitants of Camerinum, a town in Umbria. The treaty between Camerinum and Rome (probably earlier than 310 B.C.) was *aequum*, *i. e.*, the obligations imposed on Camerinum were not more numerous or severe than those imposed on Rome. Marius bestowed the Roman franchise on two whole cohorts of Camertes.

Carthago (§ 5).—Carthago here stands for Carthago Nova, or Carthagena, an important town on the East Coast of Spain, founded

by Hasdrubal the Carthaginian in 228 B.C. It was subsequently conquered and colonised by the Romans.

Cascellius (§ 45).—Aulus Cascellius, a celebrated Roman jurist, who was a specialist on the subject of selling mortgaged estates by auction (*jus praedictorium*).

Cato (§ 28).—C. Porcius Cato was consul B.C. 114, and obtained the province of Macedonia. He was accused of extortion in his province, and found guilty. Subsequently he served as legate in the Jugurthine War, but was bribed by the African King. In order to escape conviction on this charge he went to Tarraco, in Spain, and became a citizen of that town.

Catulus (§ 34).—Q. Lutatius Catulus, consul with Lepidus in 78 B.C. He supported the *optimates* or aristocratic party, and in 77 B.C. defeated Lepidus when he marched against Rome. (See Lepidus.)

Cenomani (§ 32).—The *Cenomani* were a Gaulish people settled in the district of Verona and Mantua. They remained faithful to the Romans while Hannibal was in Italy (217–203). Later on they for a short while joined Hamilcar against Rome, but deserted from him at the battle of Comum, 197 B.C. In their treaty with Rome, which was probably earlier than 187 B.C., an express stipulation was inserted that none of their citizens should become citizens of Rome.

Ceres (§ 55).—Mother of Proserpine, and Goddess of Corn, identified with the Greek Demeter. Her worship was said to have been introduced into Rome from Greece, about 496 B.C., during a famine.

Coponius (§ 53).—(1) T. Coponius was charged by C. Maso with not being properly entitled to the citizenship; the prosecutor failed in proving his case. (2) Titus Coponius and G. Coponius, grandsons of (1), were great orators.

Cornelius:—(1) L. Cornelius Balbus, see Balbus. (2) L. Cornelius Sulla, see Sulla. (3) Cn. Cornelius Lentulus Clodianus, see Gellius.

Cossinius (§ 53).—(1) L. Cossinius, a citizen of Tibur, obtained the Roman citizenship through successfully prosecuting T. Coelius. He was a legate in the army of P. Vatinius, and fell in the battle against Spartacus, B.C. 73. (2) L. Cossinius, son of (1), was a friend of Cicero and Atticus.

Crassus (§§ 3 and 56).—(1) Lucius Licinius Crassus, the orator, was born B.C. 140. When only 21 years old he obtained great fame for prosecuting C. Carbo. He was the colleague of Q. Mucius Scaevola in the quaestorship, and in every other office except the tribunate of the plebs (107) and the censorship (92 B.C.). When consul in 95 B.C., he defended Q. Servilius Caepio on a charge of *majestas* brought against him by the tribune C. Norbanus, but Caepio was condemned. He also passed a law, called the *Lex Licinia et Mucia* (§ 48), to prevent aliens from exercising the rights of citizenship at Rome. This law was one of the chief causes of the Social War. Crassus was one of the

greatest Roman orators. His language was simple, but accurate and concise, and he possessed great powers of wit and repartee.

(2) M. Licinius Crassus, surnamed Dives, or The Rich, overthrew Spartacus and his gladiators in 71. As his victory was over slaves, he was rewarded, not with a triumph, but with an ovation. He was consul with Pompey in 70 B.C., and together with Caesar and Pompey formed the first triumvirate in 60 B.C. In 55 he received the province of Syria, and set out for the East, although the omens were unfavourable. In a battle against the Parthians near Carrhae, the Romans were defeated with great slaughter, and Crassus himself was killed shortly afterwards. He was not a brilliant orator, but was careful and painstaking in preparing his speeches. He was one of the counsel for Balbus, his colleagues being Pompey and Cicero.

(3) P. Licinius Crassus Dives (§§ 40 and 50), the father of the triumvir (2), took the command in Spain for several years after his consulship. He was honoured with a triumph B.C. 93, for his successes against the Lusitanian tribes. In B.C. 89 he was censor together with L. Julius Caesar, and carried the *Lex Julia Licinia*, which enrolled in new tribes certain of the Latini and Itali, who were rewarded with the citizenship for their loyalty to Rome.

E.

Ennius (§§ 36, 51).—The first Epic poet of Rome, was born at Rudiae in Calabria, 239 B.C., and died 169 B.C. He wrote a history of Rome in 18 books of hexameters, in addition to many dramatic and satirical pieces. He enjoyed the friendship of Scipio, and was made a Roman citizen as a reward for his genius and poetry.

F.

Fabricius.—C. Fabricius, consul B.C. 282, was sent in 280 to Pyrrhus in order to negotiate an exchange of prisoners. On this occasion Pyrrhus tried, but in vain, to bribe the Roman over to his side. Fabricius was consul again in 278, and handed over to Pyrrhus a doctor who had treacherously offered to poison his royal master. He was always regarded as the type of the sturdy, honest, and frugal Roman.

Flaccus.—C. Valerius Flaccus, *praetor urbanus* in B.C. 98, brought a bill before the people that Calliphana, of Velia, should receive the Roman franchise. He was consul in B.C. 93, and was proconsul in Spain, where he was obliged to take extreme measures against the Celtiberians. (See Calliphana).

Furius (§ 45).—(1) A Roman jurist, was a *praedicator* and peculiarly skilful in the *jus praedictorium*. Scaevola, the augur, though a great lawyer himself, used to refer his clients to Furius or to Cascellius on questions of praedictorial law. (See Cascellius.) (2) C. Furius (§ 21)

carried a law in 183 B.C., which made illegal all bequests of more than 1000 *asses* to any person other than the *heres* or *heredes*. The object of the law was to try to keep undiminished the property of a family.

G.

Gades (*passim*).—A very ancient town in Hispania Baetica, founded by the Phoenicians. For many years a treaty had subsisted between this town and Rome. Balbus was a citizen of Gades, and the prosecution contended that, as the city had not expressly adopted the *Lex Gellia Cornelia*, Balbus could not receive the Roman franchise from Pompey, who professed to bestow it on the authority of that law.

Gallia (§ 32).—There were two divisions of Gallia—(1) Gallia Transalpina, the district alluded to here, bounded on the south by the Pyrenees and Mediterranean, and on the north by the German Ocean, and (2) Gallia Cisalpina, in the north of Italy, the northern boundary of which was the Alps.

Gellius (§ 19, &c.).—L. Gellius Publicola was consul in B.C. 72 with Cn. Cornelius Lentulus Clodianus. The two consuls, both separately and together, fought without success against Spartacus. About this time Pompey had finished the war in Spain, and, as he had conferred the Roman citizenship on many persons in that country, the consuls brought forward the *Lex Gellia Cornelia* to confirm such enfranchisements. Gellius was censor in 70 B.C., and was one of Pompey's legates in 67 and 66 in the war against the pirates.

Graecia.—Graecia, or Greece, must be distinguished from Magna Graecia, the southern part of Italy, comprising Lucania and Campania, so called from the numerous Greek colonies it contained, *e.g.*, Tarentum, Croton, Sybaris, Neapolis.

H.

Helvetii (§ 32).—A brave people who lived in the district which now forms the western part of Switzerland. In 107 B.C. they defeated and killed the Roman consul, L. Cassius Longinus, and subsequently they invaded Italy together with the Cimbri: after the latter were defeated by Marius and Catulus in 101, the Helvetii returned home in safety. In 58 they were prevented by Caesar from carrying out a plan they had formed to migrate to the more fertile districts of Gaul, and were compelled by him to remain in their former territory.

Heraclea (§ 2).—An ancient Greek town at the mouth of the river Siris, on the gulf of Tarentum. It obtained *acquissimum jus ac foedus* with Rome, probably about 278 B.C., at the time when Pyrrhus was in Italy. Rome had still to subdue the Lucani, Bruttii, and other tribes in the south of Italy, so she was willing to make favourable terms with the Heracliots.

Hernici (§ 31).—A people of Latium, of Sabine origin.

Hispania (§ 5).—The modern Spain, a country divided into two parts—(1) Hispania Citerior, or Tarraconensis, the part north of the river Iberus, or Ebro; and (2) Hispania Ulterior, the part south of the Ebro.

I.

Iapydes (§ 32).—A turbulent and barbarous people in the north of Illyricum, finally subdued by Augustus.

Iguvium (§ 46).—An important town of Umbria, just to the south of the Apennines. The treaty between Rome and Iguvium was probably made in 308 B.C.

Insubres (§ 32).—A Gallic people who crossed the Alps and settled in Gallia Transpadana (*i.e.*, on the northern or farther side of the Po, in the north of Italy). They were conquered by the Romans shortly before the Second Punic War. The last time they took up arms against the Romans was at the battle of Comum, 197 B.C.

L.

Laenas (§ 28).—Of C. Popilius Laenas little is known for certain. Probably he was the legate in an army which disgracefully surrendered to the Gauls: he had to go into exile because of a charge of *majestas* impending against him, 107 B.C. Probably the C. is a misprint, and the person alluded to in § 28 is P. Popilius Laenas, the father of Gaius, who was consul in 132, and acted with great cruelty in prosecuting the accomplices of Tib. Gracchus. C. Gracchus in 123 passed a measure against those magistrates who had condemned a citizen without trial, and Laenas was obliged to withdraw from Rome by "voluntary" exile.

Lanuvini (§ 31).—The people of Lanuvium, a town of Latium, which was probably enfranchised in 338 B.C., at the end of the great Latin war (340–338 B.C.).

Latium (§ 31).—Strictly the district of Italy bounded by the Tiber on the north, the Tuscan Sea on the west, the Liris on the south, and the Sabines and Samnites on the east. The *jus Latii* was the right of any citizen of a Latin town or colony to emigrate to Rome and be enrolled in one of the Roman tribes, (1) if he had held a magistracy in his native town, or (2) if he had left a representative of his family in that town. In § 31 Latium is not used in the strict geographical sense, but comprises all those places which had *jus Latii*.

Lepidus (§ 34).—M. Aemilius Lepidus was consul in B.C. 78, together with Quintus Lutatius Catulus. He proposed, but unsuccessfully, several laws with the object of destroying the constitution of Sulla. The province of Further Gaul was allotted to him after his consulship, but in 77 B.C. he was declared a public enemy: he thereupon marched his army against Rome, but was defeated by Pompey and Catulus.

Licinius (§ 48).—For the *Lex Licinia et Mucia*, see Crassus (1).

M.

Mamertini (§ 51), that is, "Children of Mars," was the name adopted by a band of Campanian mercenaries who seized Messana shortly before the First Punic War. On the outbreak of a war between them and Syracuse, both Carthage and Rome were invited to assist the Mamertini; and it was to decide who should have preference that the First Punic War was commenced.

Marcus (§ 34).—L. Marcus, a centurion of the *triarii*, was entrusted with the command of the shattered Roman forces in Spain, after the defeat of the Scipios, 212 B.C. In 206 B.C. Gades surrendered to him, and a treaty was made between that town and Rome.

Marius (§ 46).—C. Marius, born near Arpinum 157 B.C., distinguished himself at Numantia, 134, was legate to Q. Metellus in the Jugurthine War in 109, was elected consul in 107, and with the help of his quaestor, Sulla, successfully ended the war in 106. He was consul for each of the five years 104–100, and defeated the Teutones and Cimbri. In 88 the command against Mithridates was conferred on the consul Sulla, but the people transferred it to Marius. This led to the First Civil War; Sulla marched on Rome, and expelled the Marians, and massacred large numbers of them. Marius himself fled to Africa, but returned in 86, and was consul for the seventh time. He died shortly afterwards, before the end of the year.

Massiliensis (§ 23).—Massilia (Marseilles), an ancient Greek city in Gallia Narbonensis, on the coast of the Mediterranean. From the earliest times it cultivated the friendship of Rome, of whom it always remained a faithful ally, until besieged by Caesar in 49 B.C., in consequence of its having espoused the cause of Pompey.

Maximus (§ 28).—Quintus Fabius Maximus Eburnus was praetor in 120 B.C., and consul in 116 B.C. In 105, with his own hand, and the help of two slaves, he put his son to death for disobedience. Cn. Pompeius, the father of Pompeius Magnus, prosecuted him for this act, and procured his condemnation.

Memmius (§ 5).—C. Memmius married a sister of Pompey. He was Pompey's pro-praetor in Sicily, and his quaestor in Spain during the Sertorian War, B.C. 76, and was slain in battle against Sertorius, near Saguntum.

Menander (§ 28).—Cneius Publicius Menander, a freedman, and formerly a Greek prisoner of war. A senatorial commission took him as an interpreter to Greece, and to his native city. By returning to his native city his former citizenship would revive, and *ipso facto* he would lose his Roman citizenship. The Roman people passed a special law to enable him, if he returned to Rome, to retain his Roman citizenship.

Metellus (1), § 5.—Quintus Metellus Pius, son of (2), was praetor in 89 B.C., and was one of the commanders in the Social or Marsic War. He took the side of Sulla in the Civil War, and was consul

with Sulla in 80. In 79 he went as proconsul to Spain to fight against Sertorius, and remained there eight years. On his return to Rome, in 71, he was honoured with a triumph. He was called Pius because of the filial affection he displayed in his unceasing efforts to procure the recall of his father, Metellus Numidicus (2), who had unjustly been condemned to retire from Rome. (2), § 11. Quintus Metellus Numidicus, the father of (1), was consul B.C. 109, received Numidia as his province, and took the command in the war against Jugurtha. Saturninus proposed an agrarian law in 100 B.C., which contained a clause that any senator who refused to swear obedience to the law within five days after its enactment should be expelled from the senate. Metellus refused obedience, but in order to prevent a civil commotion retired to Rhodes. However, in 99 B.C., the tribune Claudius procured his recall. Metellus Numidicus, on his return from his praetorian province, was accused of extortion, but the judges placed such reliance on his integrity that they refused even to look at his accounts when produced in court.

Mucius (§ 48).—P. Mucius Scaevola, the pontifex consul, 95 B.C. See Crassus (1).

N.

Neapolitani (§ 21).—The inhabitants of Neapolis (Naples), an ancient town of Campania, which was taken by the Samnites in 327. In 326 a treaty was made with Rome on terms very favourable to the Neapolitani, because of the help they could give her against the Samnites. They preferred their status under this treaty to enjoying the Roman citizenship which was offered to them.

Nuceria (§ 28).—A town in Campania, received the franchise probably in the First or Second Samnite War.

P.

Philippus (§ 28).—Quintus Marcius Philippus served under his father, Q. Philippus, in Macedonia, in the war against Perseus, B.C. 169. He was condemned on some charge brought against him, and lived as an exile at Nuceria, of which town he was made a citizen.

Pompeius (§ 50).—(1) Cneius Pompeius Strabo was the father of Pompey the Great; he conquered Picenum and Praeneste. (2) §§ 8, 12, 15, and *passim*. Cn. Pompeius Magnus, the son of (1), was born 106 B.C., and distinguished himself against the Italians in 89. He obtained three triumphs—(a) in 81 B.C., over the African prince Iarbas; (b) in 71, over the Spaniards; and (c) in 61, for his victories in the East. He was consul in 70 B.C., and also in 52 B.C., on the latter occasion without any colleague. The *Lex Gabinia* of 67 invested him with extraordinary powers in the Mediterranean in order to extirpate the pirates, and the *Lex Manilia* gave him the command against Mithridates. In 60 he formed a triumvirate with Caesar and

Crassus, but he soon became jealous of Caesar, and eventually broke with him altogether. In 58, when there was a scarcity of corn at Rome, Pompey was appointed *praefectus annonae* for five years, with authority to command all towns to send corn to Rome at a fixed price. When Caesar crossed the Rubicon and marched on Rome, in 49, Pompey was obliged to retire to Thessaly, where he suffered a severe defeat at Pharsalia in 48. Thereupon he fled to Egypt, where he was killed by the ministers of King Ptolemy. Pompey served for five years in Spain, and in several cases bestowed the Roman citizenship on deserving natives, and among others on Balbus. The *Lex Gellia Cornelia* was passed for the purpose of ratifying these gifts of the citizenship.

R.

Ravenas (§ 50).—A native of Ravenna, an important town in Gallia Cisalpina. P. Caesius was a native of this town. (See Caesius.)

Rhodium (§ 30).—A native or citizen of Rhodes, an island off the S.W. coast of Asia Minor, opposite Caria.

Romulus (§ 31).—The mythical founder and first King of Rome, reigned from 753–716 B.C.

Rutilius (§ 28).—Publius Rutilius Rufus was a Roman statesman and orator. He was praetor 111 B.C., consul 105, and was legatus to the proconsul Scaevola in Asia, in 95. So honest and firm was he in repressing the extortions of the tax-farmers that, through jealousy, they procured a man to prosecute him for *repetundae*. Rutilius was found guilty and was obliged to withdraw into exile. He retired to Smyrna, of which town he became a citizen, and refused Sulla's offer to have him recalled.

S.

Sabini (§ 31).—A people of Italy occupying the district of central Italy, bounded by the Tiber, Anio, and Nar. They received the *civitas sine suffragio* on their conquest in 299, and the full franchise in 268 B.C.

Saguntum (§§ 23, 50).—An important town on the east coast of Spain, a little to the south of the Iberus. It was declared neutral by a treaty between Hasdrubal and Rome shortly before the Second Punic War, which began in 218 B.C., in consequence of Hannibal's attack on Saguntum.

Sardinia (§ 24).—The largest island in the Mediterranean, west of Italy and south of Corsica. It was colonised by the Greeks, conquered by the Carthaginians, and subsequently surrendered by them to Rome after the First Punic War (238 B.C.).

Saturninus (§ 48).—L. Appuleius Saturninus, a Roman demagogue, and supporter of Marius. He was a tribune of the plebs in B.C. 100. Besides his famous agrarian law for dividing among poor Roman citizens the lands in Gaul recently occupied by the conquered Cimbri, he

carried two laws, "de coloniis deducendis," about founding colonies. The Senate subsequently declared these latter laws invalid, and the colonies were not founded. Saturninus was subsequently declared a public enemy, and killed by the mob who broke into the Curia Hostilia, where Marius had placed him for safety (99 B.C.). See also Metellus (2).

Scipio.—(1) § 34. P. Cornelius Scipio, consul 218 B.C., was defeated by Hannibal at the Ticinus, and again at the Trebia. In 217 he went to Spain with his brother Cnaeus, and after obtaining many small victories they were both slain in 212 B.C. (2), § 34. Cn. Cornelius Scipio, consul 222, was brother of (1), see (1). (3), § 40. P. Cornelius Scipio Africanus Major was son of (1), served at Trebia (218), and at Cannae (216); was sent to Spain to take command in 211; was consul 205; defeated Hannibal at Zama; and finished the Second Punic War in 202. He died about 180 B.C. (4), § 40. P. Cornelius Scipio Africanus Minor, also called Aemilianus, was the son of Aemilius Paullus, and the adopted son of Africanus Major. He was born 185 B.C., fought at Pydna (168), and was consul 146 B.C., in which year he stormed Carthage, and finished the Third Punic War. In 133 he took Numantia, in Spain, after a stubborn siege. He disapproved of the conduct of Tib. Gracchus, and moved the transfer of the powers given by Gracchus' agrarian law from the commissioners to the consuls. Shortly after this he was found dead in bed, probably murdered by the agent of some political opponent.

Sempronius (§ 61).—The *Lex Sempronia* of C. Sempronius Gracchus, in 121, enacted that the Senate should fix the consular provinces before the consuls were elected.

Servilius (§ 54).—The *Lex Servilia* was passed about 104 B.C., and provided that a Latin who successfully prosecuted a person for extortion (*repetundae*) should receive the Roman franchise.

Sicilia (§ 24).—A large island in the Mediterranean separated from the south-west point of Italy by a narrow strait. The Carthaginians obtained a strong foothold on the island, but were eventually expelled by the Romans, and Sicily became a Roman province at the end of the First Punic War (241 B.C.)

Smyrna (§ 28).—A famous city in Ionia, in Asia Minor, at the foot of Mount Tmolus. (See Rutilius.)

Spoletinus (§ 48).—Belonging to Spoletium or Spoletum, a town in Umbria, colonized by the Romans B.C. 242. It suffered severely in the wars between Marius and Sulla.

Sucronensis (§ 5).—A great and decisive battle was fought at the Suero, a river south of Saguntum between Pompey and Sertorius in 75 B.C. Pompey was in danger of being defeated had not Metellus come to his rescue.

Sulla.—L. Cornelius Sulla, born 138 B.C., served as quaestor to Marius in the Jugurthine War. He was consul in 88, and was ap-

pointed to the command against Mithridates. The people were induced to transfer it to Marius. Sulla resented this transfer, marched upon Rome, and expelled the supporters of Marius. From 87-83 Sulla was engaged against Mithridates and other enemies, but returned to Italy in 83. In 82 he was appointed perpetual dictator; in 81 he carried many important laws in favour of the aristocracy and Senate; in 80 he was consul a second time, and at the end of the year laid down the dictatorship. He died in 78.

T.

Tarraco (§ 25).—The capital of Hispania Tarraconensis, now Tarragona.

Theophanes (§ 57).—Theophanes of Mitylene, in Lesbos, a learned Greek, one of the most intimate friends of Pompey, by whom he was presented with the Roman franchise in B.C. 62. Theophanes adopted Balbus, the defendant in the present book, and, either previously or subsequently, formed some marriage alliance with the family of his adopted son. He wrote a history of Pompey's campaigns.

Tibur (§ 53).—A citizen of Tibur, an ancient town of the Sabines, twenty miles north of Rome.

Turiensis (§ 5).—The Turia is a river on the east coast of Spain, between the Suero and Saguntum, and flows into the sea at Valentia. A great battle was fought here between Sertorius and the combined forces of Pompey and Metellus.

Tusculani (§ 31).—The people of Tusculanum, a town of Latium, which obtained all the rights of citizenship in 381 B.C.; before this year it had the *civitas sine suffragio*, i.e., the private but not the public rights of citizenship.

U.

Uticensis (§ 51).—An inhabitant of Utica, a city near Carthage.

V.

Valerius (§ 55).—See Flaccus.

Velia (§ 55).—Or Elea, a Greek town of Lucania, on the west coast; entered into a treaty with Rome not later than 240 B.C.

Voconius (§ 21).—The *Lex Voconia* of 169 B.C., provided (1) that no woman should be *heres* or heir under a will, (2) that no man should receive more under the will than passed to the heir. This law was applicable to the property of those testators who were, according to the censor's lists, worth more than 100,000 asses.

Volsci (§ 31).—An ancient people of Latium, had constant wars with Romans against whom they maintained their independence until 338 B.C.

TEST PAPER 6. (§§ 1-16.)

1. Translate :—(a) § 5, *Ac mihi quidem . . . concedant.*
 (b) § 13, *O Cn. Pompei . . . litora.*

What is the meaning of—

- (a) *Si minus referenda gratia satisfacere potuerim, praedicanda et habenda certe satis esse facturum me pono.*
 (b) *Ei, qui omnes animo virtutes penitus comprehendisset, omnia quae faceret, recte se dare.*
 (c) *Fuisse iudicem ex illis equitibus Romanis gravissimis viris neminem quin removeret oculos.*
 (d) *Temporum magis ego nunc vitiis quam genere iudicii plura dicam.*
3. (a) Give the gender and genitive singular of *foederibus, officii, ubertas, mendacio, laudis, salus, equitibus.*
 (b) Give the principal parts of *referenda, dediti, nato, constet, licuisse, peragrassent, nossent, conferemus, inrepsisse.*

TEST PAPER 7. (§§ 17-30.)

1. Translate :—(a) § 20, *Sed totum hoc . . . uterentur.*
 (b) § 27, *Ut, si Gaditani . . . possit esse.*
2. (a) Parse *jussisset, populi, haberemus, jure, commodo*, in 1 (a); and *civi, mutandae*, in 1 (b).
 (b) What is the meaning of?—*hunc a me quasi perpoliendi quendam operis extremum laborem; ut qui fundi populi facti non essent, civitatem non haberent; libertinus; stipendiarii; sponsio; secus.*
3. (a) Decline *vir, vis, virus, alienigenarum.*
 (b) Give the comparison of *paucus, proprius, breviter, peritius, secus.*
 (c) Give principal parts of *utor, dicarit, fierent, proficiscentes, contulerunt.*

TEST PAPER 8. (§§ 31-44.)

1. Translate:—(a) § 35, *Nihil est enim aliud . . . non precantis.*
(b) § 42, *Potuit magis fundus . . . iudicaret?*
2. (a) What is the meaning of *Areopagitarum, invitus, nusquam, sacrosanctum, calles, sanctiones, primipili, centuriae, obtestatio, meritus, defendo enim rem universam?*
(b) Trace the various meanings of *invitus, civitas, vetustas.*
3. (a) Distinguish *lēges* and *lēges*, *cōmes* and *cōmes*, *reciperemus* and *reciperamus*, *pōpulus* and *pōpulus*, *lātus* and *lātus*, *dīco* and *dīco*, *līber* and *līber*.
(b) Decline *liberis, gradibus* in the plural; and *itinerum* in the singular.
(c) Give the comparison of *deterior, plurimis*.

TEST PAPER 9. (§§ 45-65.)

1. Translate:—(a) § 47, *Se P. Africani . . . gerenda impediretur.*
(b) § 60, *Etenim contendere . . . civitati.*
2. (a) Parse *bellicis, attigisset, meruisset, perdiscere, gerenda*, in extract I (a).
(b) What is the meaning of?—*cum prae se ferrent; Mamertini publice suscepta causa destiterunt; numquam esse condemnatum quem constaret ab imperatore nostro civitate donatum; pateferi; adsequi; praediorum; emptio; tutela; semel.*
3. (a) Give the gender and genitive singular of *calamitate, mente, sacerdotes, foedus, jure.*
(b) Give the principal parts of *valerent, arbitramur, urgetur, jubebat, malumus, experti, decrevit, incumberet, vixisse, inveterata.*
(c) Decline *Tibur, Theophanes, Vindici.*

TEST PAPER 15. (§§ 1-16.)

1. Translate :—(a) § 10, Cui senatus . . . vobis ?
(b) § 15, Equidem contra . . . exterarum nationum.
2. Translate the following passages, and write short notes on the italicised words :—
 - (a) *Sed mos est gerundus non modo Cornelio.*
 - (b) *Hunc in Hispania durissimo bello cum Q. Metello cum C. Memmio et in classe et in exercitu fuisse.*
 - (c) *Si denique aliquid non contra, ac liceret, factum dicretur.*
 - (d) *Quasi vero non levius sit, cum in tanta re publica versere et maximis negotiis praesis facere aliquid, quod scias non licere, quam omnino non scire, quid liceat.*
3. (a) What do you mean by *generic subjunctive, predicative genitive, predicative dative, ablative absolute* ?
(b) Who or what were *L. Crassus, Gades, Karthago, proelium Sucronense* ?

TEST PAPER 16. (§§ 17-30.)

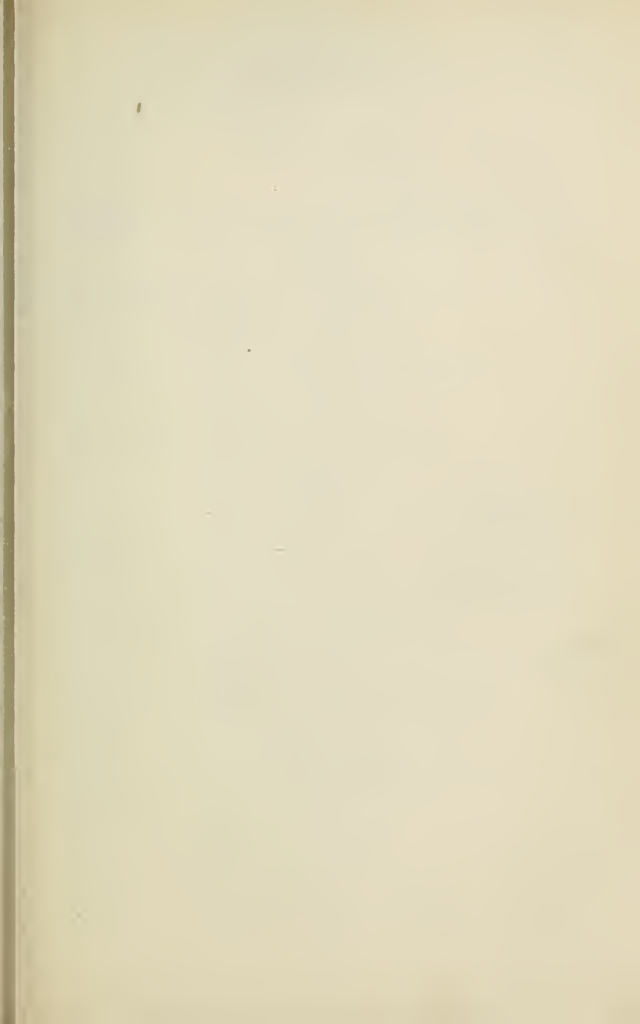
1. Translate :—(a) § 22, Cum aliquid . . . quaerendum esse videtur.
(b) § 25, Hanc tu igitur . . . ne liceat ipsis.
2. Translate, and write short notes on the italicised words :—
 - (a) *Quos Cn. Pompeius de consilii sententia singillatim civitate donaverit.*
 - (b) *Quiddam de communi condicione omnium nostrum deprecandae malevolentiae causa commemorandum videtur.*
 - (c) *Atqui ceterae civitates non dubitarent nostros homines recipere in suas civitates.*
 - (d) *In numero judicum atque Areopagitarum, certa tribu, certo numero.*
3. (a) Who were *M. Crassus, L. Gellius, Cn. Cornelius, L. Cornelius, C. Furius, Q. Voconius* ?
(b) How does Cicero prove that *populi foederati* fall under the provisions of the *Lex Gellia Cornelia*, even though they have not formally adopted it ?

TEST PAPER 17. (§§ 31-44.)

1. Translate :—(a) § 33, De quibus igitur . . . sacrosanctum fuisse.
(b) § 39, Nunc vero quid . . . depulerunt.
2. Translate the following passages, and write short notes on the italicised words :—
 - (a) *Cum praepotens terra marique Carthago nixa duabus Hispaniis huic imperio immineret.*
 - (b) *Potest esse ulla denique majestas si impedimur quo mihius per populum Romanum beneficiorum virtutis causa tribuendorum potestatem imperatoribus nostris deferamus?*
 - (c) *Proferam tesseram; legatos excito; laudatores . . . videtis.*
3. (a) Give Cicero's six arguments in reply to a supposed claim by the Gaditani that Balbus should be regarded as a citizen of Gades.
(b) Who or what were *Scipiones, Brutos, Metellos, Marciani foederis, Poeni, Q. Catulus?*

TEST PAPER 18. (§§ 45-65.)

1. Translate :—(a) § 48, Nam Spoletius . . . valere debere.
(b) § 63, In praetura . . . dilexit.
2. Translate the following passages, and write short notes on the italicised words :—
 - (a) *Q. Scaevola ille augur cum de jure praetorio consulitur.*
 - (b) *Quid? Cn. Pompeius pater rebus Italico bello maximis gestis P. Caesium . . . civitate donavit?*
 - (c) *Hostem qui feriet erit inquit mi Carthaginiensis, Quisquis erit, cuiatis siet.*
 - (d) *Sacra Cereris, iudices, summa majores nostri religione confici caerimoniaque voluerunt.*
- (a) Distinguish *permānet* and *permānet*; *plācet* and *plācet*; *virum* and *virium*; *patēre* and *patēre*; *diligo*, *deligo*, *delēgo*.
- (b) Who or what were *Ravenna, Heraclea, Pyrrhus, C. Fabricius, Saguntum, Saturninus?*





VOCABULARY.

[Where two meanings are given, the second is preferable in the passage alluded to.]

CAP. I.

- auctoritates auctoritas, -tatis, f., *characters.*
 patrōnorum patrōnus, -i, m., *advocate.*
 judiciis iudicium, -ii, n., *court of law.*
 valērent valeo, -ui, -itum, -ēre, *to have weight.*
 amplissimis amplius, -a, -um, *of highest rank.*
 usūs usūs, -ūs, m., *experience.*
 studia studium, -ii, n., *kindly feelings.*
 familiaritate ... familiaritas, -tatis, f., *friendship.*
 partes partes, -īum, f., *character.*
 minime adv., *by no means.*
 oppono oppono, -posui, -ītum, -ere, *to put forward as an
excuse or plea.*
 dignitati dignitas, -tatis, f., *rank.*
 rēferenda rēfero, rēttūli and rētūli, -latum, -ferre; referre
gratiam, to return a favour or show gratitude.
 habenda habēre gratiam, *to feel gratitude.*
 hesterno hesternus, -a, -um, *of yesterday.*
 facultas facultas, -tatis, f., *skill.*
 copia cōpia, -ae, f., *fluency.*
 perspicua perspicuus, -a, -um, *clearly shown.*
 subtilius adv., *with greater precision.*
 memoria memoria, -ae, f., *(memory), learning.*
 exemplis exemplum, -i, n., *precedents.*
 peritius peritus, -a, -um, *full of experience.*
 crimine crimen, -īnis, n., *charge.*
 ornatus ornātas, -a, -um, *elegant.*
 studiis studium, -ii, n., *pursuits.*
 dēditi dēdo, -dīdi, -dītum, -ēre, *devoted.*
 pēnitūs adv., *thoroughly.*
 tractare tracto, -āvi, -ātum, -āre, *to deal with.*

singularē	.....	singulāris, -e, <i>unique.</i>
ageret	.....	ago, ēgi, actum, -ēre, <i>to plead.</i>
ubertas	.....	ubertas, -tātis, f., <i>luxuriance.</i>
impertire	.....	impertio, -ii, -itum, -īre, <i>to bestow.</i>
conquievit	.....	conquiesco, -quiēvi, -quiescere, <i>to have leisure.</i>
locus	.....	lōcus, -i, m., <i>position.</i>
praetervecta	.....	praetervēhor, -vectus, -vēhi, <i>to travel past.</i>
pēnitus	.....	adv., <i>deeply.</i>
insederit	.....	insēdeo, -sēdi, -sessum, -ēre, <i>to settle in.</i>

CAP. II.

mos	.....	mos, mōris, m., <i>custom.</i>
gerendus	.....	gero, gessi, gestum, gerēre, <i>to carry on ; morem gerere, to humour.</i>
judicii	.....	judicium, -ii, n., <i>decision.</i>
beneficii	.....	beneficium, -ii, n., <i>kind act.</i>
nuper	.....	adv., <i>recently.</i>
praedicatorem	..	praedicator, -ōris, m., <i>proclaimer.</i>
auctorem	.....	auctor, -oris, m., <i>approver.</i>
constet	.....	constat, -stitit, -stāre, <i>it is agreed.</i>
praestantissime	..	praestans, -stantis, <i>surpassing.</i>
officii	.....	officium, -ii, n., <i>duty.</i>
delicti	.....	delictum, -i, n., <i>crime.</i>
crimen	.....	crīmen, -minis, n., <i>accusation.</i>
fūratus	.....	fūrōr, -atus sum, -āri, <i>to pilfer, here conceal.</i>
ementitus	.....	ementior, -titus sum, -tīri, <i>to declare falsely.</i>
delituit	.....	dēlitesco, -tui, -tescēre, <i>to take shelter.</i>
inrepsisse	.....	irrepo, -psi, -pēre, <i>to creep or steal in.</i>
censum	.....	censūs, -ūs, m., <i>list of voters.</i>
natum esse	.....	nascōr, natus sum, nasci, <i>to be born.</i>
durissimo	.....	durus, -a, -um, <i>severe, toilsome.</i>
classe	.....	classis, -is, f., <i>fleet.</i>
discessisse	.....	discedo, -cessi, -cessum, -cedere, <i>to forsake.</i>
labor	.....	lābor, -ōris, m., <i>zeal.</i>
assiduitas	.....	assiduitas, -tatis, f., <i>diligence.</i>
dimicatio	.....	dīmīcatio, -onis, f., <i>contention for.</i>



CAP. III.

civitate	cīvitas, -tatis, f., <i>citizenship</i> .
reprehendit	reprehendo, -hendi, -hensum, -ĕre, <i>censure</i> .
quaerātur	quaero, quaesīvi or -sīi, -sītum, -ĕre, <i>to try judicially</i> .
laedatur.....	laedo, laesi, -sum, -ĕre, <i>to damage</i> .
caput.....	caput, -itis, <i>life, here civil existence</i> .
honestissimo.....	honestus, -a, -um, <i>honourable</i> .
versatum esse ...	versor, -sātus sum, -sāri, <i>to be engaged in</i> .
opsessionis	obsessio, -ōnis, f., <i>a siege</i> .
expertem	expers, -pertis, <i>without a share in</i> .
quum ... tum ...	<i>both ... and</i> .
laudis.....	laus, laudis, f., <i>credit</i> .
affecisset	affīcio, -fēcī, -fectum, -ĕre, <i>with praemio = to reward</i> .
repudianda	repudio, -āvi, -ātum, -āre, <i>to reject</i> .
certe	adv., <i>at any rate</i> .

CAP. IV.

cuncter	cunctor, -tatus sum, -tari, <i>to hesitate</i> .
jure	jus, jūris, n., <i>as adv. = rightly</i> .
principium	principium, -ii, n., <i>chief place</i> .
orae	ora, orae, f., <i>coast</i> .
eventus	eventūs, -tūs, m., <i>issue</i> .
pudor.....	pudor, -ōris, m., <i>modesty</i> .
sanctiorem	sanctus, -a, -um, <i>more just</i> .
auctoritāte	auctoritas, -tātis, f., <i>reputation, esteem in which men held him</i> .
imperia	imperium, -ii, n., <i>commands</i> .
agātur	ago, ēgi, actum, -ĕre, <i>in pass. to be at stake</i> .
foedus	foedus, -eris, n., <i>treaty</i> .

CAP V.

repetundis	repetundae, -darum, f., <i>extortion</i> .
salus	salus, salūtis, <i>welfare</i> .
sententia	sententia, -ae, <i>opinion, vote in the Senate</i> .
tabūlae	tabūlae, -arum, <i>account books</i> .
nomen	nomen, -īnis, <i>entry</i> .
remōveret	remōveo, -mōvi, mōtum, -ĕre, <i>to avert</i> .

rettulisset.....	rěřero. rettuli and retuli, -latum, -ferre, <i>to enter.</i>
consilii	consilium, -ii, n., <i>council.</i>
recognoscēmus...	recognosco, -novi, -nitum, -ěre, <i>to authenticate.</i>
confērēmus	confero, contūli, collatum, -ferre, <i>to compare.</i>
graviter.....	adv., <i>in great esteem.</i>
testimonium.....	testimonium, -ii, n., <i>evidence.</i>
religione	religio, -ōnis, f., <i>a scruple.</i>
constrictam	constringo, -struxi, -strictum, -ěre, <i>to make binding.</i>
religione	= <i>religious respect for.</i>
inscientem	insciens, -tis, <i>ignorant.</i>
domicilium	domicilium, -ii, n., (<i>abode</i>), here <i>range.</i>
tyranni	tyrannus, -i, m., <i>despot.</i>
sola	sōlum, -i, n., <i>tracts.</i>
vestigia.....	vestigium, -i, n., <i>footprints, marks.</i>
constantia.....	constantia, -ae, f., <i>consistency of life.</i>
scientem	sciens, -tis, <i>wittingly.</i>
rupisse	rumpo, rupi, ruptum, -ěre, <i>to break.</i>

CAP. VI.

gratificatur	gratificor, -atus sum, -ari, <i>to agree.</i>
lěvius.....	lěvis, -e, <i>lighter, here worse.</i>
praesis	praesum, -fui, -esse, <i>to preside over.</i>
jure	jus, jūris, <i>legal status.</i>
mědiocres	mediocris, -e, <i>ordinary.</i>
studio	studium, -ii, n., <i>study, knowledge.</i>
librārioli	librāriolus, -i, m., <i>copiers.</i>
artium	ars, artis, f., <i>pursuits.</i>
praestabilem ...	praestabilis, -e, <i>remarkable.</i>
pactionibus	pactio, -onis, f., <i>contract, alliance.</i>
conditionibus ...	conditio, -ōnis, f., <i>agreement.</i>
umbra	umbra, -ae, f., (<i>shade</i>), here <i>a closet or study.</i>
otio	otium, -ii, n., <i>leisure.</i>
macūla	macūla, maculae, f., <i>stain.</i>
lābes	lābes, -is, f., <i>blemish.</i>
infringere.....	infringo, -fregi, -fractum, <i>to break off, injure.</i>
adolescentulo ...	adoloscentulus, -i, m., <i>a youth.</i>
peragrassent.....	pěřagro, -āvi, -ātum, -āre, <i>to penetrate.</i>

audiret	audio, -īvi, -itum, -īre, <i>would heed it.</i>
exstinxisset	extinguo, -inxi, -inctum, -ēre, <i>to put an end to.</i>
niterentur	nitor, nīsus and nīxus sum, nīti, <i>advance.</i>
obtretractōrum ...	obtrectātor, -toris, m., <i>detractors.</i>

CAP. VII.

exemplis	exemplum, -i, n., <i>precedent.</i>
fācultate	facultas, -tatis, f., <i>ability.</i>
fide	fīdes, -ēi, f., <i>fidelity to duty.</i>
recusante	recuso, -āvi, ātum, -āre, <i>to decline.</i>
adhībēri	adhībeo, -ui, -itum, -ēre, <i>to undertake.</i>
aggrediar	aggrēdior, -gressus sum, -grēdi, <i>to proceed.</i>
obtinēre	obtīneo, -tinui, -tentum, -ere, <i>maintain or retain.</i>
illustravit	illustro, -āvi, -ātum, -āre, <i>ennoble.</i>
afficiendi	afficio, with poenā = <i>to punish.</i>
humanitas	humanitas, -tatis, f., <i>culture.</i>
infimo	infimus, -a, -um, <i>lowest.</i>
gradu	gradūs, -ūs, m., <i>rank.</i>
honores	hōnor, honōris, m., <i>offices of state.</i>
violatura	violo, -āvi, -ātum, -āre, <i>to tarnish.</i>
sītis	pres. subj., 2nd pers. pl. sum = <i>ye be.</i>
ornamenta	ornamentum, -i, n., <i>accomplishments.</i>
adjumento	adjumentum, -i, n., <i>aid.</i>

CAP. VIII.

sententia	sententia, -ae, <i>approval.</i>
sanctum esse ...	sancio, sauxi, sanctum, -īre, <i>to confirm.</i>
foederato	foedērātus, -a, -um, <i>federated.</i>
fundus	fundus, -i, m., <i>an agreeing party.</i>
auctorem	auctor, -oris, m., <i>authority on.</i>
poenam	poena, -ae, <i>penalty.</i>
ascribat	ascribo, -cripsi, -criptum, -čre, <i>to affx.</i>
ratione	ratio, -onis, f., <i>idea.</i>
sententia	sententia, -ae, f., <i>intention.</i>
adscivissent	adscisco, -scivi, -sītum, -ēre, <i>to adopt.</i>
fundo	fundus, -i, m., <i>basis.</i>
resēdisset	resīdeo, -sēdi, -sēssum, -ēre, <i>to settle down.</i>

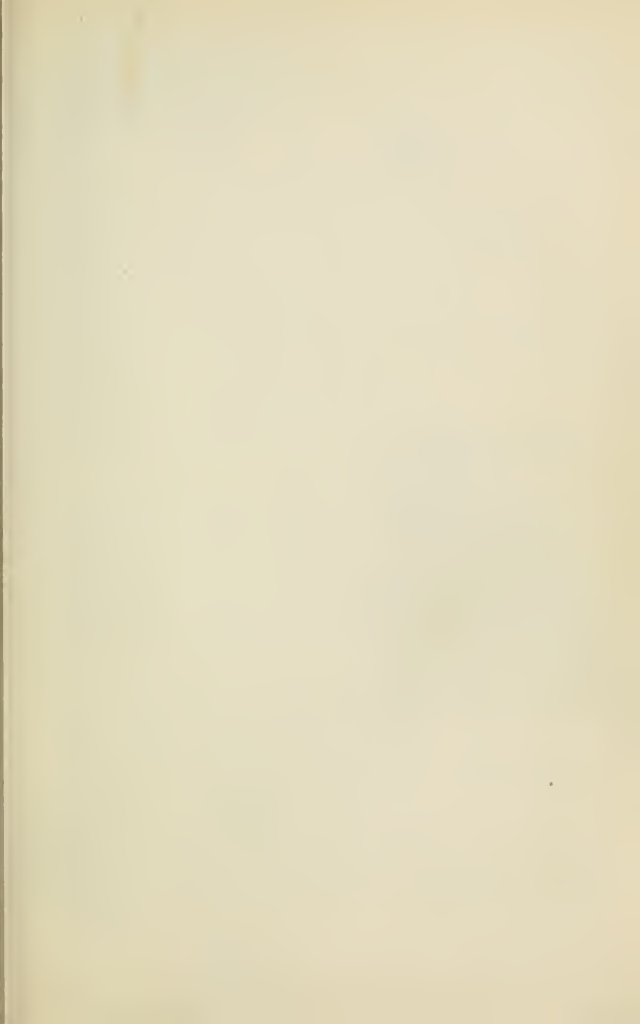
tulit	fero, tūli, -lātum, ferre, <i>to propose.</i>
voluērunt	volo, volui, velle, <i>to agree to.</i>
civitati	cīvitas, -tatis, f., <i>citizenship.</i>
anteferret	sée fero, <i>to prefer.</i>
statuant	statuo, -ui, -utum, -uēre, <i>to decide.</i>

CAP. IX.

propositis	propono, -posui, -positum, -ēre, <i>to offer.</i>
elicere	elicio, -licui and -lexi, -licitum, -ēre, <i>to induce.</i>
subeunda	subeo, -ii, -ītum, -īre, <i>to incur.</i>
carendum	careo, -ui, -ītum, -ēre, <i>to be wanting in, to be without.</i>
societas	societas, -tatis, f., <i>alliance.</i>
propugnatore ...	propugnātor, -oris, m., <i>defender.</i>
commeatus	commeatūs, -ūs, m., <i>supplies.</i>
comīnus.....	adv., <i>hand to hand.</i>
capitis	caput, capītis, here <i>mortal.</i>
objēcērit	objicio, -jēcī, -jēctum, -jicēre, <i>expose.</i>
excellenti	excellens, -tis, <i>conspicuous.</i>
patēant	pateo, -ui, -ēre, <i>lie open.</i>
stipendiariis	stipendiarius, -ii, m., <i>mercenary troops.</i>
ius	ius, jūris, n., <i>civil status.</i>

CAP. X.

patrōne	patrōnus, -i, m., <i>advocate.</i>
subegimus.....	subīgo, -ēgī, -actum, -īgere, <i>subdue.</i>
ditionem	dītīo, -ōnis, f., <i>sway.</i>
redēgimus in.....	(see subigo), <i>reduce under.</i>
se inferret.....	iufero, -tuli, -latum, -ferre, <i>advance.</i>
discrīmen	discrimen, -īnis, n., <i>peril.</i>
auxiliis	auxilia, -orum, in pl. <i>auxiliary forces.</i>
minui.....	minuo, -ui, -ūtum, -ūere, <i>to lessen, make fewer.</i>
debilitari	debilito, -āvi, -ātum, -āre, <i>to enfeeble.</i>
aliēnigēnarum ...	alienigena, -ae, <i>foreigner.</i>
causa	causa, -ae, abl. used as prep., <i>on account of.</i>
rāta	rēor, rātus sum, rēri, <i>to ratify.</i>
sublatis.....	tollo, sustuli, sublatum, tollēre, <i>to take away.</i>
interdicto	interdico, -dixi, -dictum, -ēre, <i>to forbid.</i>



CAP. XI.

mutandae	muto, -āvi, -ātum, -āre, to change.
civitatis	here <i>civil condition</i> .
positum est	pono, posui, -situm, -ēre, in pass. = <i>depends</i> .
invītus	invitus, -a, -um, used as adv., <i>unwillingly</i> .
magna	magnus, -a, -um, here <i>complete</i> .
potestas	potestas, -tātis, f., always <i>legal power</i> .
dicarit	dico, -āvi, -ātum, -āre, <i>attach</i> .
calamitate.....	calamitas, -tātis, f., <i>misfortune, legal trouble</i> .
postliminia	postliminium, -ii, n., <i>regaining of former civil rights</i> .
libertino	libertinus, -i, m., <i>a freedman</i> .
latum est	(see fero), <i>a proposal was made</i> .
memoria	memoria, -ae, f., <i>in former times</i> .
incolumes	incolumis, -e, <i>uninjured, i.e., unaffected by the law</i> .

CAP. XII.

rejectione	rejectio, -onis, f., <i>renunciation</i> .
disceptamus.....	discepto, -āvi, -ātum, -āre, to <i>discuss, argue</i> .
secus	adv., <i>otherwise</i> .
sponsione	sponsio, -onis, f., <i>guarantee</i> .
communione ...	communio, -onis, f., <i>right to a share</i> .
certā	certus, -a, -um, <i>fixed</i> .
adepti sint.....	adipiscor, adeptus sum, -sci, to <i>gain</i> .

CAP. XIII.

locus	locus, -i, m., <i>point, passage</i> .
disputationis ...	disputatio, -onis, f., <i>argument</i> .
rem	res, rei, f., <i>case, proposition</i> .
dissidentem	dissideo, -scēdi, -sessum, -ēre, to <i>disagree</i> .
discidio	discidium, -ii, n., <i>quarrel</i> .
dīvinītus	divinitus, adv., <i>of heavenly origin</i> .
dissimilitudo.....	dissimilitudo, -dinis, f., <i>difference</i> .
dimittendi	dimitto, -misi, -missum, -ēre, to <i>give up</i> .
dominum	dominus, -i, m., <i>master, hence capable</i> .
auxit	augeo, auxi, -ctum, -ēre, to <i>increase</i> .

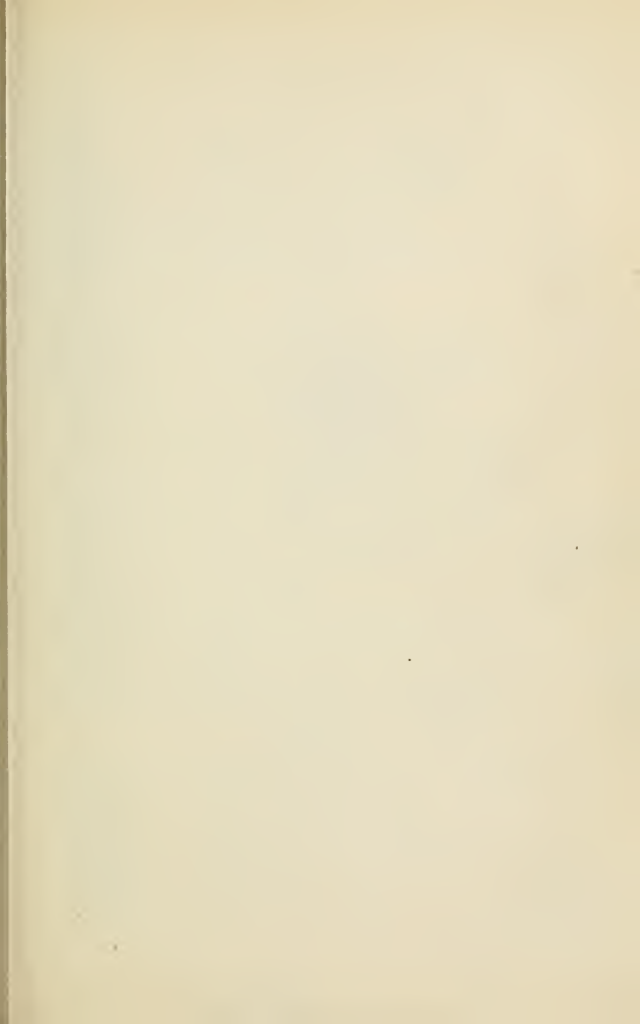
princeps	princeps, -ipis, m., here <i>first authority</i> .
creator	creator, -oris, m., <i>founder</i> .
largitio	largitio, -ōnis, f., <i>grant</i> .
coacti.....	cogo, coēgi, coactum, -ēre, <i>compel</i> .

CAP. XIV.

exceptum est ...	excipio, -cēpi, -ceptum, -ēre, <i>to make exception</i> .
sicubi.....	adv. and conj. (si and ubi), <i>if anywhere</i> .
definīte	adv., <i>expressly</i> .
sacrosanctum ...	sacrosanctus, -a, -um, <i>inviolable</i> .
ignosco	ignosco, -novi, -notum, -ēre, <i>to pardon, excuse</i> .
calles	calleo, -ēre, <i>to be skilled in</i> .
cognitione	cognitio, -ōnis, f., <i>consideration</i> .
reppulerunt	repello, rēpuli and reppuli, -pulsum, -ēre, <i>to dissuade</i> .
rogatione	rogatio, -ōnis, f., <i>bill</i> .
sacrandae	sacro, -āvi, -ātum, -āre, <i>to render sacred</i> .
genere	genus, -eris, n., <i>nature</i> .
obtestatione	obtestatio, -onis, f., <i>adjuring of the gods</i> .
consecratione ...	consecratio, -ōnis, f., <i>a curse</i> .
jusserit	jubeo, jussi, jussum, -ēre, <i>to decide</i> .
audes	audeo, ausus sum, -ēre, <i>to dare</i> .

CAP. XV.

infirmandum.....	infirmio, -āvi, -ātum, -āre, <i>to invalidate</i> .
vetustatis	vetustas, -atis, f., <i>antiquity</i> .
praepotens	praepotens, -tis, <i>most powerful</i> .
nixa	nitor, nīsus and nīxus, -ti, <i>to rely</i> .
imminēret.....	imminco, -ēre, <i>to threaten</i> .
fulmina	fulmen, -īnis, n., <i>thunderbolts</i> .
primipili	primipīlus, -i, <i>chief of the legion</i> .
icisse	īco, īci, ictum, -ēre, <i>to strike</i> .
vinculo	vincūlum, -i, n., <i>bond, tie</i> .
postulaverunt ...	postulo, -āvi, -ātum, -āre, <i>to make a request</i> .
sententiam	sententia, -ae, f., <i>decision</i> .
injussu	adv., <i>without orders</i> .



pacto	pactum, -i, n., abl. = <i>manner, way.</i>
religione	religio, -ōnis, f., <i>religious obligation.</i>
consequi	consēquor, -secūtus, -qui, <i>to attain.</i>
auctoritate	auctoritas, -tatis, f., <i>influence.</i>
deterior	deterior, -us, (no pos.) = <i>worse.</i>
fulta est	fulcio, fulsi, -tum, -īre, <i>to support.</i>
certe	adv., <i>at any rate.</i>

CAP. XVI.

auctore	auctor, -oris, m., here <i>at suggestion of.</i>
suffragiis	suffragium, -ii, n., <i>vote.</i>
pia	pius, -a, -um, <i>conscientiously kept.</i>
comīter	adv., <i>with due courtesy.</i>
solēmus	soleo, -ītus sum, -ēre, <i>to be wont.</i>
precantis	prēco, -āvi, -ātum, -āre, <i>to beg, entreat.</i>
siletur	sileo, -ui, -ēre, <i>silence is kept.</i>
responsione	responsio, -ōnis, f., <i>reply.</i>
communiter	adv., <i>in common.</i>
priscum	priscus, -a, -um, <i>ancient.</i>
benigni	benignus, -a, -um, <i>kind.</i>
faciles	facīlis, -e, <i>good-natured.</i>
gravāte	adv., <i>grudgingly.</i>
convēnit	convēnio, -vēni, -tum, -ire, <i>to suit.</i>
absurda	absurdus, -a, -um, <i>ridiculous.</i>
impedimur	impedio, -īvi, -ītum, -īre, <i>to hinder.</i>
virtutis	virtus, -ūtis, f., <i>merit.</i>
deferamus	defero, -tuli, -latum, -ferre, <i>to grant.</i>

CAP. XVII.

repetentibus	repeto, -petīvi or -ii, -ītum, ēre, <i>to claim back.</i>
jussisse	jubeo, &c., <i>sanctioned.</i>
tribuenda	tribuo, -ui, -ūtum, -ēre, <i>to bestow.</i>
jussum	jussus, -ūs, m., <i>order.</i>
cautum	caveo, cāvi, cautum, -ēre, <i>to provide.</i>
praeter	prep., <i>except.</i>
adjutoribus	adjutor, -oris, m., <i>allies.</i>
legatione	legatio, -ōnis, f., <i>embassy.</i>

studio	studium, -ii, n., <i>zeal</i> .
sensu	sensus, -ūs, m., <i>goodwill</i> .
dixerunt	flecto, flexi, -xum, -ēre, <i>to turn</i> .
inferrentur	inferor, illatus, -ferri, <i>to be waged against</i> .
excluserunt	excludo, -clusi, -clusum, -ēre, <i>to shut out</i> .
opibus	ōpes, -um, f., <i>resources</i> .
conjunctissimos..	conjunctissimus, -a, -um, <i>most united, most friendly</i> .
delubra	delubrum, -i, n., <i>shrine</i> .
restantur	testor, -ātus, -āri, <i>call as witnesses</i> .
procul	adv., <i>far from</i> .
acre ..	acer, -ris, -re, <i>severe</i> .
caritate	caritas, -tatis, f., <i>dearth</i> .
annonae.....	annōna, -ae, f., <i>corn</i> .
suppeditato	suppedito, -āvi, -ārum, -āre, <i>supply</i> .
eximia	eximius, -a, -um, <i>distinguished</i> .
praetoriis	praetorium, -ii, n., <i>tent</i> .
signa	signum, -i, (<i>standard</i>), <i>here ranks</i> .
acie	acies, -ei, f., <i>line of battle</i> .

CAP. XVIII.

stipendio	stipendium, -ii, n., <i>tribute</i> .
multatis	multo, -āvi, -ātum, -āre, <i>to fine</i> .
officiis	officium, -ii, n., <i>services</i> .
finxi	finxi, -nxi, fictum, -ēre, <i>to imagine, invent</i> .
hospitium	hospitium, -ii, n., <i>a pledge of friendship</i> .
proferam	profero, &c., <i>produce</i> .
excito	excito, -āvi, -ātum, -āre, <i>I summon</i> .
laudatores.....	laudātor, -oris, <i>eulogisers</i> .
inaudita.....	inaudio, -āvi, -itum, -ire, <i>to hear, learn</i> .
scita	scitum, -i, n., <i>decrees</i> .
demens	demens, -tis, <i>foolish</i> .
saeptrum sit	saepio, saepsi, saeptum, -ire, <i>to close up</i> .
laetandum.....	laetor, -atus, -ari, <i>to rejoice</i> .
commendandi ...	commendo, -āvi, -ātum, -āre, <i>to render agreeable</i> .
commendātor ...	fr. above, <i>more approved</i> .

CAP. XIX.

ornamentis	ornamentum, -i, n., <i>distinctions.</i>
controversias ...	controversia, -ae, <i>quarrels, disputes.</i>
sedarit	sēdo, -āvi, -ātum, -āre, <i>to allay, settle.</i>
inveteratam	inveterātus, -a, -um, <i>long established.</i>
disciplina	disciplīna, -ae, <i>training.</i>
delerit	deleo, -ēvi, -ētum, -ēre, <i>to put an end to.</i>
rogatu	rogātus, -ūs, m., <i>request.</i>
praetereo	praetereo, -ii, -ītum, -īre, <i>to omit.</i>
omnino	adv., <i>altogether.</i>
officio.....	officium, -ii, n., <i>duty.</i>
hospitem	hospes, hospitis, c., <i>friend.</i>
afficiantur	v. supra, here <i>suffer from.</i>
venire	vēnio, vēni, ventum, venīre, <i>to enter.</i>
admonebo	admoneo, -ui, -ītum, -ēre, <i>remind.</i>
judicium	judicium, -ii, n., <i>trial.</i>
constitutum	constituo, -ui, -utum, -ēre, <i>to hold.</i>
bellici.....	bellicus, -a, -um, <i>of war.</i>
exquirendis	exquiro, -quisīvi, -ītum, -ēre, <i>to examine into.</i>
gesserunt	gero, &c., here <i>to hold and to wage.</i>

CAP. XX.

ille	ille, -ius, <i>the famous.</i>
praediatorio	praediatorius, -a, -um, <i>of the sale of land.</i>
praediatōres	praediātor, -oris, <i>a buyer of public land.</i>
reiciebat	rejiċio, -jċi, -jectum, -ċre, here <i>to refer.</i>
rei	res, rei, f., <i>subject.</i>
probare	probo, -āvi, -ātum, -āre, <i>commend.</i>
auctorem	auctor, -oris, <i>originator.</i>
graviorem	gravis, -e, <i>esteemed.</i>
prudētia	prudētia, -ae, f., <i>wisdom.</i>
parumper	adv., <i>for a short time.</i>
cogitatione	cogitatio, -onis, f., <i>imagination.</i>
rudem	rudis, -e, <i>unacquainted with.</i>
stipendiis	stipendium, -ii, in pl. <i>military service.</i>
meruisset	merċo, -ui, -ītum, -ēre, <i>to serve in the army.</i>

quoties	adv., as many times as.
perdiscere	perdisco, -didici, -ere, to learn thoroughly.
conjunctissima ...	conjunctus, -a, -um, most closely connected.

CAP. XXI.

acerrima	acer, -ris, -re, most severe.
quaestio.....	quaestio, -onis, f., judicial enquiry.
dixit	dico, dixi, dictum, -ere, to plead (a cause).
in primis	adv., especially.
firma	firmus, -a, -um, vigorous.
disertus	disertus, -a, -um, eloquent.
deductae	dedūco, -xi, -ctum, -ere, to lead down, to found.
ternos	terni, -ae, -a, three each.
valere.....	valeo, -ni, -itum, -ere, to have weight, to avail.
affinem	affinis, -is, c., kinsman.
delectum	delectus, -ūs, m., selection.
ardor	ardor, -oris, m., fierceness (of gaze).
gratiosos	gratiosus, -a, -um, agreeable.

CAP. XXII.

cohortes	cohors, -tis, f., tenth part of a legion, cohort.
singulare	singularis, -e, unique.
percurro	percurro, -curri or -cucurri, -cursum, -ere, ^{t^o} scan lightly.
perpolita	perpolio, -ivi, -itum, -ire, thoroughly handled.
subtilissime	adv., with great precision.
nimum	adv., too, excessively.
parcus	parcus, -a, -um, sparing.
infirmare	infirmo, -avi, -atum, -are, to invalidate.
domesticum	domesticus, -a, -um, of his house.
subierunt	subeo, -ii, -itum, -ire, to encounter.
utinam	adv., would that!
oppugnatores ...	oppugnator, -oris, adversaries.
exterminari	extermino, -avi, -atum, -are, to banish.
cohortationem ...	cohortatio, -onis, f., appeal.
feriet	ferio, -ire, to slay.

cujatis	cujas, cujatis, <i>of whatever country.</i>
inertia	inertia, -ae, <i>sloth, cowardice.</i>

CAP. XXIII.

sanctissimum ...	sanctus, -a, -um, <i>most venerable.</i>
praeferrent	praefero, &c., <i>to state openly.</i>
destiterunt	desisto, -stīti, -ere, <i>to throw up (a case).</i>
constaret	constat, -stitit, -āre, <i>it is agreed.</i>
rebus	res, rei, <i>here occasions.</i>
interpositum.....	interpono, &c., <i>to assert.</i>
nuper.....	adv., <i>recently.</i>
aënea	aëneus, -a, -um, <i>brazen.</i>
incisum	incido, -cīdi, -cīsum, -ĕre, <i>to engrave.</i>
nepōtes	nepos, -ōtis, m., <i>grandson.</i>
nostis.....	novi, perf. used as pres., <i>to know.</i>
pateferi.....	patefio, -factus sum, -feri, <i>to lie open.</i>
aditus	adītūs, -ūs, m., <i>access, entry.</i>
manū	mānus, -ūs, f., <i>here feats of arms.</i>
trahere	traho, -xi, -ctum, -ĕre, <i>to deprive.</i>

CAP. XXIV.

acerbissima	acerbus, -a, -um, <i>most cruel.</i>
passi sunt	pātor, passus sum, pāti, <i>to allow.</i>
praesertim	adv., <i>especially.</i>
calamitate.....	calamitas, -tātis, <i>legal loss.</i>
nimis	adv., <i>too, or here, very.</i>
rata	reor, rātus, rēri, <i>to sanction.</i>
propositum	propono, &c., <i>to offer.</i>
confici	conficio, &c., <i>to carry out.</i>
caerimonia	caerimonia, -ae, <i>pomp.</i>
assumpta	assumo, -psi, -ptum, -ĕre, <i>to borrow.</i>
scientia	scientia, -ae, <i>skill.</i>
peregrina	peregrīnus, -a, -um, <i>of a foreigner.</i>
externa	externus, -a, -um, <i>alien.</i>
domestica	domesticus, -a, -um, <i>native.</i>
fere	adv., <i>almost.</i>
nominatim	adv., <i>by name</i>

CAP. XXV.

aperta	apertus, -a, -um, <i>clear</i> .
minime	adv., <i>not at all</i> .
postularet	postulo, -āvi, -ātum, -āre, <i>required</i> .
perspicuam	perspicuus, -a, -um, <i>evident</i> .
animos	animus, -i, here <i>hostile feelings</i> .
frangeret	frango, frēgi, fractum, -ēre, <i>to crush</i> .
incenderet.....	incendo, -dī, -sum, -ēre, <i>to excite</i> .
sermōnes	sermo, -ōnis, m., <i>gossip</i> .
moerentium	moereo, -ēre, <i>to be sorry, here to envy</i> .
permānārent	permāno, -āvi, -ātum, -āre, <i>to penetrate</i> .
redundarent	redundo, -āvi, -ātum, -āre, <i>to overflow</i> .
idcirco	adv., <i>therefore, and so</i> .
aspergi	aspergo, -si, -sum, -ēre, <i>to scatter</i> .
invidiosa	invidiosus, -a, -um, here, <i>great enough to be envied</i> .
correpta.....	corripio, -ui, -reptum, -ēre, <i>to plunder</i> .
libidinis.....	libīdo, -īnis, f., <i>lust</i> .
maledicto	maledictum, -i, <i>abuse</i> .
notabatur	nōto, -avi, -atum, -are, <i>to censure</i> .
praediorum	praedium, -ii, <i>landed property</i> .
emptionibus	emptio, -ōnis, f., <i>sales</i> .
tutelas	tutēla, -ae, <i>the property of a ward</i> .
pervenire	pervēnio, &c., <i>to devolve</i> .
ambītu	ambītus, -ūs, m., <i>canvassing, bribery</i> .
praetexta	praetextus, -a, -um, <i>bordered (with purple)</i> .
adoptio	adoptio, -ōnis, f., <i>adoption (from one tribe or gens to another)</i> .
praeterquam.....	adv., <i>except</i> .

CAP. XXVI.

mitigare	mitīgo, -āvi, -ātum, -āre, <i>to allay</i> .
conviviis	convivium, -ii, n., <i>at dinners</i> .
rodunt... ..	rōdo, -si, -sum, -ēre, <i>to backbite</i> .
circulis	circūlus, -i, m., <i>in circles (of talkers)</i> .
vellicant	vellico, -āvi, -ātum, -āre, <i>to rail</i> .
maledico	maledīcus, -a, -um, <i>abusive</i> .

carpunt	carpo, -psi, -ptum, -ĕre, <i>to blame.</i>
coluit	colo, -ni, -ĭtum and cultum, -ĕre, <i>to cherish.</i>
dignitati	dignitas, -tātis, f., <i>merit.</i>
concessit	concĕdo, -cessi, -cessum, -ĕre, <i>to pay respect.</i>
nostris	noster, -ra, -rum, here <i>my.</i>
rationis	ratio, -ōnis, f., <i>principles, sect.</i>
partes.....	pars, partis, f., <i>party.</i>
vultu	vultus, -ūs, m., <i>look.</i>
inclinatio	inclinatio, -ōnis, f., <i>weight.</i>
temporum	tempus, -ōris, here <i>emergencies.</i>
incumberet	incumbo, -cubui, -ĭtum, -ĕre, <i>to lie on.</i>
ruinis	ruīna, -ae, f., <i>fall.</i>
officio	officium, -ii, n., <i>kindness.</i>
munus	munus, -ĕris, n., <i>service.</i>
loco	locus, -i, m., <i>opportunity, condition.</i>
urgĕtur	urgeo, -si, -sum, -ĕre, <i>to overwhelm.</i>

CAP. XXVII.

aequa.....	aequus, -a, -um, <i>just.</i>
familiaritatibus...	familiaritas, -tatis, f., <i>party alliances.</i>
implicantur	implico, -ui and -avi, -ĭtum and -ātum, -āre, <i>to involve.</i>
temperemus	tempero, -avi, -atum, -āre, <i>to spare.</i>
auctoritas	auctoritas, -tatis, f., <i>influence.</i>
ponderis	pondus, -eris, n., <i>weight.</i>
contendere	contendo, -di, -tum, -ĕre, <i>to be in earnest.</i>
obtenta	obtineo, -ui, -tentum, -ĕre, <i>to retain.</i>
convellere	convello, -velli, -vulsum, -ĕre, <i>to tear to pieces.</i>
amplissimo	amplus, -a, -um, <i>sumptuous.</i>
angustiis	angustiae, -arum, <i>narrowness, here poverty.</i>
aerarij	aerarium, -ii, n., <i>treasury.</i>
princeps	princeps, -ĭpis, m., here <i>mover.</i>
potius	adv., <i>preferable.</i>
temporibus	tempus, -ōris, n., here <i>needs.</i>
concordia	concordia, -ae, f., <i>peace.</i>
convenire	convĕnio, &c., <i>to meet.</i>
firmiores	firmus, -a, -um, <i>more resolved.</i>

navigium	navigium, -ii, <i>ship</i> .
tempestate	tempestat, -tatis, f., <i>weather</i> .
comitatu	comitatus, -ūs, m., <i>crew</i> .
assectatoribus ...	assectator, -oris, m., <i>follower</i> .
confligant	confligo, -xi, -ctum, -ĕre, <i>to fight</i> .
pertinaciam	pertinācia, -ae, f., <i>obstinacy</i> .
iniquitatem	inīquitas, -tātis, f., <i>unfairness</i> .
humanitate	humanitas, -tātis, f., <i>good breeding</i> .

CAP. XXVIII.

fraudem.....	fraus, -dis, f., <i>detriment</i> .
prudētissimo ...	prudens, -tis, <i>experienced</i> .
adaequatus	adaequo, -āvi, -ātum, -āre, <i>to put on a level</i> .
praefectum	praefectus, -i, m., <i>commander</i> .
fabrum	fāber, -bri, m. (<i>smith</i>), <i>engineer</i> .
detulit	defero, &c., <i>here recommend</i> .
complexus.....	complector, -plexus, -ti, <i>to esteem</i> .
observantiam ...	observantia, -ae, f., <i>respect</i> .
regione	regio, -onis, f., <i>locality</i> .
definiunt	definio, -īvi, -itum, -ire, <i>to bound</i> .
acerbum	acerbus; -a, -um, <i>distasteful</i> .
delictum	delictum, -i, n., <i>offence</i> .
sententiis	sententia, -ae, f., <i>votes</i> .
oppressum.....	opprimo, -pressi, -pressum, -ĕre, <i>to crush</i> .
crimine	crimen, -īnis, n., <i>accusation</i> .
disceptat	discepto, -avi, -atum, -are, <i>argue, appears</i> .
perspicuo	perspicuus, -a, -um, <i>clear</i> .
utili	utilis, -e, <i>expedient</i> .
jure	jus, juris, n., <i>a point of law</i> .
inveterata	inveteratus, -a, -um, <i>established by time</i> .
reos	rēus, rēi, m., <i>arraigned</i> .
accedat	accēdo, -cessi, -cessum, -ĕre, <i>to be added</i> .
ornamento	ornāmentum, -i, n., <i>distinction</i> .
maleficio	maleficiū, -ii, n., <i>wrong-doing</i> .

CICERO PRO BALBO.

A TRANSLATION.



I. 1. If in trials the prestige of the advocates is of any avail, the cause of L. Cornelius has been defended by most honourable—if experience, by most skilful—if ability, by most eloquent—if affection, by most friendly ones; and by men bound to L. Cornelius both by many kindly actions and the closest intimacy. What part can I, then, play? One of so much authority as you have chosen to attribute to me; one of moderate experience, and of ability by no means on a par with my good-will. For I see that this man is very deeply indebted to all the others by whom he has been defended; how deeply I am indebted to him I will tell you at another time. 2. At the outset of my speech I say this, that if I have been able but poorly to recompense all those who have befriended my safety and my honour, by conferring favours in my turn, I will assuredly requite them by declaring and acknowledging their favours. In his speech of yesterday, gentlemen of the jury, how great was the power of Cn. Pompeius, how great his ability, how great his eloquence, seemed to be acknowledged not by your tacit approval, but by your openly-expressed admiration. For I have never heard any speech delivered which seemed to me to show a nicer knowledge of the law, a greater memory for precedents, a more intimate acquaintance with treaties, a more brilliant judgment regarding wars, a more impressive opinion on public affairs, a more modest

estimate of the speaker himself, a more elaborate exposition of the case and the charge. 3. So that I am now assured that that is true in saying which some devoted to literature and philosophical studies were thought to state a paradox, namely that all he does turns out well for the man who has thoroughly grasped in his mind all the virtues. For what greater richness, variety, fulness, could have been exhibited by C. L. Crassus—a man naturally gifted with singular powers of oratory—had he been pleading this cause, than was exhibited by him, who could only allow to the study of this art, from his boyhood till he reached his present age, the time during which he has rested from successive wars and victories? 4. And on this account my duty of winding up this case is made more difficult. For I have to follow a speech which has not been borne past your ears, but has rooted itself deep in the minds of you all, so that you can derive more pleasure from recalling that speech than you could, I will not say from my speech merely, but from the speech of anyone whatever.

II. But I have to consider not only Cornelius, whose wishes in his hour of danger I can in nowise neglect, but Cn. Pompeius also, who has expressed a wish that I should be both the eulogist and the defender of what he did; of his judgment and of his kindness, even as lately I appeared before you, gentlemen of the jury, in another case.

5. Now to me indeed this seems worthy of the Republic; this seems to me to be due to the surpassing glory of this eminent man; this seems to me essential to the performance of your duty; this seems to me a sufficient plea, that all should admit that Cn. Pompeius had a right to do whatever it is known that he has done. For nothing is more true than that which he himself said yesterday, that L. Cornelius was contending for all his fortunes, while he was called to account on no particular charge. For they do not assert that he obtained his citizenship in any clandestine way, or that he made any false statements regarding his family, or that he sheltered himself under any shameless falsehood, or that he crept by stealth into the censor's lists; this only is alleged against him, that he was born at Gades, and this no one denies. All the rest the accuser admits: that in Spain,

when a most stubborn contest was going on, he served both in the fleet and in the army, with Q. Metellus, with C. Memmius; that he never left Memmius from the time when Pompeius came to Spain, and first had Memmius as his quæstor; that he was besieged in Carthagena; that he was engaged in those desperate and important battles fought on the Sucro and Turia; that he did not leave Pompey till the very end of the war. 6. These are the virtues of Cornelius: affection for our state, hard work and diligence, a fighting spirit, and a valour worthy of his noble general, and ambition to win rewards proportioned to his perils.

III. For all these reasons he was presented with the citizenship by Cn. Pompeius. This the accuser does not deny, but he finds fault with it, so that, in the case of Cornelius, his pleas meet with approval, yet punishment is demanded; in the case of Pompeius, his pleas are slighted, but there is no penalty except that his reputation may suffer. Thus they wish the fortunes of a man entirely innocent, and the act of a general of the highest distinction, to be condemned together. Therefore the civil rights of Cornelius, the act of Pompey, are now challenged in the courts. You admit that this man was born in a most honourable position in his native state, and that from his earliest years, leaving all his own affairs, he was engaged in our wars under our generals, and that there is no toil, no siege, no battle, in which he has not taken a part. All this is not only most meritorious, but belongs peculiarly to Cornelius, and in this exists no ground of accusation. 7. Of what, then, is he accused? Because Pompey presented him with the citizenship. Is this a charge that can be brought against my client? By no means, unless an honour is to be considered a disgrace. Against whom, then, can it be brought? As a matter of fact, against no one; and so far as concerns the contention of the accuser, against him alone who made the gift; and if he, influenced by kindly feeling, had conferred this honour on a less suitable person—nay, even if he had conferred it on a good man, but one who did not deserve such an honour—if, in short, something were alleged to have been done, not unlawful indeed, but unseemly, nevertheless, gentlemen, all such censure as this should be rejected by you. 8. But, as the case stands, what is said?

What says the accuser? That Pompeius has done what he had no right to do, which is a graver charge than if he said that that had been done by him which it was unseemly for him to do, for there are certain things which are unseemly, even if they be lawful; but all that is not lawful is assuredly unseemly.

IV. Am I now to hesitate, gentlemen, to argue thus—that it is not right to doubt whether we are to acknowledge that, whatever it is known that Cn. Pompeius has done, was not merely lawful but also fitting? 9. For what does this man lack, from the presence of which we should consider that this privilege was rightly conferred on him and conceded to him? Is it experience? Does *he* lack experience, whose experience of war and of the most important commands commenced in the last years of his boyhood; most of whose contemporaries have seen camps less frequently than he has had triumphs; whose triumphs are as many as there are regions and divisions of the earth; who can count as many victories in war as there are kinds of war in the universe? Is it ability? Does *he* lack ability, whose plans were not guided, but were followed by chances and the course of events? in the case of whom alone there was such a rivalry between extreme good fortune and the highest worth, that, in the judgment of all, more honour was due to the man than to the Goddess? Has propriety of conduct, or uprightness, or conscientiousness, or diligence, ever been looked for in him in vain? Whom more pure, more moderate, more just have our provinces, the free peoples, the kings, the remotest nations—I will not say seen, but even in their hopes and wishes conceived? 10. What am I to say about his influence, which is as great as it ought to be in a man possessed of so many virtues and merits? That an inquiry should be instituted touching an act of this man, judges, whom the senate and the people of Rome rewarded with the most splendid rank, for which he did not ask, with commands which he was even unwilling to accept, of such a nature that the point at issue is whether it was lawful for him to do what he did, or whether indeed it was—I will not say not lawful, but impious (for he is said to have so acted in violation of a treaty—that is, of the obligations and good faith of the

Roman people), is it not a disgrace to the Roman people and to you?

V. 11. When a boy I heard this story from my father :— When Q. Metellus, the son of Lucius, was defending himself against a charge of extortion, that illustrious man, to whom the safety of his country was dearer than the sight of it, who preferred leaving the state to giving up his opinions—when this man, I say, was on his defence, and his books were carried round for the items to be inspected, there was no judge among those Roman knights—all most influential men—who did not avoid looking at them, and turn away completely from them, lest any of them might chance to appear to have had any doubt about the truth or falsity of his entries in the public books. Are we, then, to examine into this decree of Cn. Pompeius published in accordance with the advice given him? are we to compare it with statutes and treaties, and weigh every point with the harshest minuteness? 12. They tell of a certain man at Athens who had lived a pure and venerable life among his fellow-citizens, that, when he had given evidence in open court, and, as is the custom of the Greeks, was approaching the altars to swear to the truth of his statement, all the judges with one voice exclaimed against his taking the oath. If the Greeks would not allow the good faith of a man of proved worth to seem to be secured by a religious ceremony rather than by the truthfulness of his character, shall we raise questions as to the character of Pompey, even in respect of the sacred obligations of statutes and treaties? 13. Is it your contention that he violated the treaty knowingly, or that he did so unconsciously? If you contend that he did so knowingly, alas for the glory of our empire! Alas for the surpassing grandeur of the Roman people! Alas for the fame of Cn. Pompeius, diffused so far and wide, that the home of his glory is bounded only by the limits of our national empire! Alas for the nations, the cities, the peoples, the kings, the tetrachs, the despots, who have been witnesses not only of Cn. Pompeius' valour in war, but also of his conscientiousness in times of peace! Lastly, I call upon you, voiceless regions and lands at the end of the world—on you, O seas, harbours, islands, and coasts! For what shore is there, what settlement, what place in which there do

not still exist the imprints both of the bravery and, in truth, of the kindness of this man, of his resolution and of his prudence? Will anyone dare to say that this man, endowed with almost incredible and unprecedented influence, virtue, and firmness, knowingly disregarded, violated, and broke treaties?

VI. 14. The accuser by his gesture cedes this point to me—he means that Pompey did it unwittingly. As if, indeed, it is not a lighter matter, when one is engaged in such important public business and presiding over affairs of the greatest moment, to do something which one knows to be unlawful, than not to know at all what is lawful. For whether was the man who had carried on in Spain a very fierce and widespread war ignorant of the rights of the state of the Gaditani, or, though he knew the rights of that people, did he fail to grasp the meaning of the treaty? Will anyone, then, dare to say that Cn. Pompeius was ignorant of that which ordinary men, men possessed of no experience in, and of no love for, war—poor clerks in short—profess to know?

15. For my part, I think on the contrary, judges! While Cn. Pompeius is pre-eminent as regards every kind and variety of accomplishment, even of those which are not easily acquired without abundant leisure, his most conspicuous merit is his knowledge in regard to treaties, covenants, and terms made with peoples, kings, and foreign nations; with all the laws, in short, of war and peace: unless perchance neither literature in his moments of repose, nor the countries themselves when he was on active service, could teach Cn. Pompeius that which our books teach us in our sheltered leisure. And now, as I think, gentlemen, my case has been fully stated, I will say more, because of the vices of the age rather than because of the nature of the trial. For this is, so to speak, the stain and blemish of this age, to bear a grudge against virtue, to wish to bruise the very flower of dignity.

16. For if Pompeius had lived five hundred years ago; if this man, from whom, while yet a mere youth and a Roman knight, the senate had frequently sought aid for the common safety, whose exploits, attended always with the most glorious victory on sea and land, had extended through all nations, whose three triumphs proved that the whole world was

subject to our sway, whom the Roman people had distinguished with unprecedented and singular honours ; if now in our day that which he had done were said to have been done in violation of a treaty, who would listen to the charge ? Assuredly no one. For death would have killed jealousy, while his achievements would rest upon the glory of an everlasting fame. Are his high qualities, then, which if we only heard of them could not be called in question, to be railed at by the voice of detractors, because they are present to our eyes ?

VII. 17. Now, for the rest of my speech, I will make no mention of Pompey ; but do you, gentlemen of the jury, keep him in your minds and memories. I will refresh your recollection of what has been said on the subject of the law, the treaty, the precedents, and the unvarying custom of the state. For neither M. Crassus, who has most minutely put the whole case before you in a manner worthy of his abilities and loyalty, nor Cn. Pompeius, whose speech was rich in all the ornaments of rhetoric, has left to me anything new or untouched on which to speak. But since, though I was unwilling to undertake it, they have both decided that this final task, so to speak, of putting as it were a finishing hand to their work should be undertaken by me, I beg of you to believe that I have undertaken this task and office rather from a desire of doing my duty than of making a speech.

18. And before I approach the question of law involved in the case of Cornelius, I think I ought to make some brief mention of a matter which concerns all of us, in order to deprecate any hostile feeling. If each of us, judges, in whatever position he was born, in whatever condition he was placed at birth, were obliged to remain in this same station of life until old age, and if all whom either good luck has raised or their own labour and industry have made famous were to be punished, this law, these conditions of life, would not seem to be more oppressive in their effect upon L. Cornelius than upon many good and worthy men. But if, however, the virtue, the ability, the culture of many who have risen from the lowest class, from the meanest grade of fortune, has procured for them not only friendships and abundance of household goods, but the highest reputation, distinctions, renown

and rank, I do not understand why jealousy should seem more likely to dishonour the virtues of L. Cornelius than your justice to sustain his honour. 19. And so that which should be chiefly asked for I do not ask from you, judges, for this reason, that I may not seem to have any doubt regarding your wisdom and your kindly feeling. Still I ought to beg you not to dislike ability, not to show yourselves hostile to industry, not to think that culture should be crushed or virtue punished. This only I do request, that if you see his case to be strong and stable in itself, you will prefer that the distinctions of the man himself should aid his case rather than be a disadvantage to it.

VIII. The case of Cornelius, O judges, has its origin in that law which Lucius Gellius and Cn. Cornelius brought forward in accordance with the will of the senate; from which law we see that there is sufficient sanction for considering those men Roman citizens, on whom individually Cn. Pompeius conferred civic rights, in accordance with the advice given him. That these rights were conferred on L. Cornelius Pompeius in person tells you, the public records testify, the prosecutor admits; but he denies that anyone belonging to a nation allied to us by treaty could, unless that nation had ratified the treaty, become a citizen. 20. O most brilliant expounder of the law, authority on the events of former times, improver and amender of our constitution, to attach to our treaties the penalty of depriving those bound by the treaty of all our rewards and favours! For what more ignorant statement could have been made than this, that federate peoples must be ratifiers of the treaties? For such a right belongs no more to federate than to all free peoples. But this whole practice, judges, depended always on this consideration and opinion, that when the Roman people had decreed anything, if the allied peoples and the Latins adopted this decree, and if that same law which we ourselves observed had settled in any people as it were on solid ground, that then that people should be bound by that law: not that in any respect our legal system should suffer, but that those peoples should enjoy either that legal principle which had been established by us, or some other advantage or benefit. 21. In the time of our ancestors C. Furius brought in a law to deal

with wills, Q. Voconius one dealing with the right of women to inherit property ; innumerable other enactments were proposed concerning the rights of citizenship : the Latins adopted which of these they chose. Lastly, by the Julian law itself, the citizenship was extended to the allies and the Latins on this condition, that those peoples who had not expressed their assent to the laws should not have the citizenship. And in regard to this point there was much discussion amongst the people of Heraclea and Neapolis, since very many in those states preferred the liberty they enjoyed under their treaty to the rights of citizenship. Lastly, this is the import of that legal principle, that declaration of yours, that nations ratify their treaties by our favour, not by their own right. 22. When the Roman people has made any decree, if it is of such a nature that it seems meet that certain nations, whether united to us by treaty or free, should be permitted to decide for themselves, not about our affairs, but about their own, which legal principle they choose to adopt, then it seems the question must be raised whether they have ratified their treaties or not ; but when our state, our empire, our wars, our victories, our safety are in question, our ancestors have willed that peoples should not be regarded as having ratified their treaties.

IX. And yet if our generals, if the senate, if the people of Rome may not, by offering rewards, attract from the states of our allies and friends all the best and bravest men to encounter perils for our safety, we shall often be deprived of essential services and most valuable protection in times of storm and peril. 23. But, by the immortal Gods, what kind of alliance, of friendship, of treaty is this of yours, if in its hour of danger our state must not have as its defender a Massilian, or a Gaditane, or a Saguntine ? Or if, should anyone from among these peoples have arisen who has aided our leaders by the help of his labour, who has recruited their supplies at his own personal risk, who has often contended hand to hand in battle with our enemies, who has often exposed himself to the weapons of the enemy, to struggles for life, to danger of death, it should, on no terms whatever, be possible that this man should be rewarded with the citizenship ? 24. And, indeed, it is a hardship for the Roman people not to be able to use

allies endowed with surpassing valour, such as wish to associate their own dangers with ours. But for our allies themselves and those of whom we are speaking, those bound to us by treaty, it is unjust and insulting that most trusty, most intimate friends should be excluded from participation in those rewards and those distinctions, which are open to tributaries, and to enemies, and often to slaves. For we see many tributaries from Africa, Sicily, Sardinia and the other provinces on whom the citizenship has been conferred, and we know that men, our enemies, who had deserted to our generals and had been of great service to our state, have been presented with the citizenship; in fine, we very often see slaves, whose civil rights, circumstances, and standing are meanest of all, publicly presented with their freedom—that is, with citizenship—when they have done good service to the state.

X. 25. Are these, then, the terms that you, O advocate of treaties and peoples bound by treaties, impose on the Gaditani, your fellow-citizens, that that which is allowed to those whom we subdued by force of arms and reduced under our sway, aided with abundant resources by your fathers—namely that, subject to the sanction of the Roman people, they should be presented with the citizenship by the senate and our generals—shall not be granted to them (the Gaditani)? For if they, by their decrees or laws, had ordained that none of their citizens should enter the camp of the generals of the Roman people; that no one, on behalf of our empire, should expose himself to deadly peril or endanger his life; that it should be permitted to us to use the auxiliary troops of the Gaditani when we pleased, but that no private man, pre-eminent in character and courage, should fight on behalf of our empire at his own risk; we should rightly be aggrieved at this, that the auxiliaries of the Roman people were being diminished, that the courage of the bravest men was being crushed, that we were being deprived of the zealous support of men of alien birth and of foreign valour. 26. And yet, judges, there is no difference between the fact of people bound to us by treaty making these laws, that no one from their several communities shall incur danger in our wars, and the impossibility of our confirming those gifts which we have

conferred on their citizens for their valiant services. For we should no more be able to employ these men as our helpers if we were to refuse to them the rewards of valour, than if it were altogether unlawful that they should be employed in our wars. For inasmuch as, since man's creation, but few have been found who, with no hope of reward held out to them, have exposed their lives to the weapons of the enemy on behalf of their own country, do you think that one will be found to expose himself to danger on behalf of a foreign state, when not only no reward is offered to him, but when a reward is even forbidden?

XI. 27. But while that assertion about the peoples who ratified treaties with us showed a marvellous lack of knowledge—since this right extends to all free peoples, and is not confined to those united to us by treaty—from which we must understand either that none of our allies can become a citizen, or that this right is possessed also by those bound to us by treaty; on the other hand, this instructor of yours is ignorant of the whole body of our laws regarding change of citizenship: for this, gentlemen, depends not on the enactments of the state-alone, but on the will of private persons. For by our laws, neither can anyone against his will transfer his citizenship, nor, even if he wishes it, can he avoid transferring it, provided only he is adopted by the state among whose citizens he wishes to be enrolled. So that should the Gaditani decree, with regard to any Roman citizen in particular, that he should be a citizen of Gades, our citizen would have full right to change his state, and would be prevented by no treaty from being able to become a citizen of Gades instead of a citizen of Rome. 28. No citizen of ours can, by the law of the state, be a citizen of two states: the man cannot belong to this state who has formally declared himself a citizen of another state. And it is not merely by making a formal declaration, which, in time of misfortune, we have seen most distinguished men obliged to do—such as Q. Maximus, C. Lænas, Q. Philippus at Neuceria, C. Cato at Tarraco, Q. Cæpio, P. Rutilius at Smyrna—that they might become citizens of those states, though they could not lose our citizenship before in changing their state they had changed their place of abode, but also by right of

subsequent return a change of citizenship can be made. For not without cause in the case of Cn. Publicius Menander, a freed man, whom, in the days of our ancestors, our ambassadors, when setting out for Greece, wished to take with them as interpreter, was it proposed to the people, that if this Publicius revisited his home and thence returned to Rome, he should none the less be a citizen. Many Roman citizens, too, in the records of the past, of their own free-will, uncondemned and without detriment, left this republic and betook themselves to other states.

XII. 29. But if it is lawful for a Roman citizen that one should be a Gaditane, either by exile, or by right of subsequent return, or by giving up our citizenship—to come now to the treaty, which has no bearing on the case: for we are discussing the law of citizenship, and not treaties—what is the reason why it should not be permitted to a Gaditanian citizen to become a citizen of this state? For my part, I am very far from thinking that there is any; for since there is a way from all states into ours, and since a road is open to our citizens to all other states, then, indeed, I think that the more closely any state is connected with us—be it by alliance, or friendship, or promise, or pledge, or treaty—the more it should be held fast by an interchange of benefits, rewards, and rights of citizenship. However, all the other states would not hesitate to admit our people to their citizenship if we had the same law as the rest: but *we* cannot be citizens both of this state, and of any other as well; all the other peoples may. 30. And so, in the Greek states, we see that Athenians, Rhodians, Lacedæmonians, all others from every state are enrolled, and that the same men are citizens of many states. And I have seen at Athens men unversed in the law, citizens of ours, led astray by a mistake on this point, included among the jurors and the Areopagites, having their tribe and number definitely assigned to them, who did not know that, if they had obtained civil rights there, they had lost them here, unless they recovered them by right of subsequent return. But no one having a knowledge of our custom and law, who wished to retain this citizenship, has ever formally declared his intention of entering another state.

XIII. But all this part of my argument and speech, gentle-

men, relates to the right all have of changing their states ; it contains nothing that applies peculiarly to religious obligations or to treaties. For I am maintaining the universal proposition that there is no nation in the whole world either so much at variance with the Roman people through some ill will or disagreement, or so closely united to us by loyalty and goodwill, as to prohibit us from adopting any one of its citizens, or presenting him with the citizenship. 31. O excellent laws, settled with heaven's help by our forefathers at the very origin of the Roman race ! that no one of us can belong to more than one state (for a difference of state must necessarily involve a difference of legal system) ; that no one can against his will be driven from the citizenship, nor can be kept on the roll against his will. For this is the firmest foundation of our liberty, that each man has full control over keeping or giving up his civil rights. This, however, has undoubtedly chiefly helped to establish our empire and increase the fame of the Roman people, which Romulus, the original founder of this city, taught us by his treaty with the Sabines, namely, that this state ought to be increased by taking in even enemies. And through his influence and example a liberal distribution and sharing of the citizenship was never neglected by our ancestors. And so both many from Latium, as the Tusculans and the Lanuvians, and from the other districts whole communities, such as those of the Sabines, the Volscians, and the Hernicans, were admitted to the citizenship ; and none belonging to these states who were unwilling would have been compelled to change their citizenship, nor, should any have obtained our citizenship through the kindness of the Roman people, would their treaty have been considered to be violated.

XIV. 32. For there are certain treaties existing, as those of the Cenomani, the Insubres, the Helvetii, the Iapydes, as well as of some barbarians from Gaul, in whose treaties this exception has been made, that none of them shall be admitted by us as a citizen. But if this formal exception makes it unlawful, in cases where no exception has been made it must necessarily be lawful. Where, then, is it provided in the Gaditanian treaty that the Roman people shall not admit a Gaditane to the citizenship ? Nowhere ! And if there were

such a provision in it, the law of Gellius and Cornelius, which had distinctly conferred on Pompeius the right of bestowing the citizenship, would have made it of none effect. The treaty, he says, is excepted by the provision, "If, as a matter of fact, it is inviolable." I pardon you if you neither understand the laws of the Pœni—for you had left your state—nor have been able to examine our statutes; for they prevented you by a public decision from becoming acquainted with them. 33. What was there in the measure proposed by the consuls Gellius and Lentulus in regard to Pompeius, by which any inviolable treaty might seem to be excepted? For, in the first place, no treaty can be regarded as inviolable unless it be one that the people or the commons have sanctioned; in the next place, enactments must be rendered inviolable, either by their very nature, or when, by a solemn invocation of the Deity and denunciation of the law and the penalty attached to it, the life of the man who has transgressed the law is decreed to be forfeited. What, then, of this nature have you to say regarding the treaty with the Gaditani? Is it by reason of the decree of a death-penalty or of the solemn invocation of the Deity in a law that you assert that it is inviolable? I assert that no proposal whatever was ever brought before the people concerning this treaty of which you speak, either in the shape of a statute or a formally appointed penalty. In regard to those, then, concerning whom, even had it been proposed that we should admit none of them as citizens, nevertheless, that which the people had afterwards decreed would have been valid, and no exception would seem to have been made by the well-known clause, "If there is anything inviolable"—if the Roman people had never made any decree at all, do you dare to say that there was anything inviolable?

XV. 34. But my speech has not for its object, judges, the invalidation of the treaty with the Gaditani. Nor is it my purpose to speak against the rights of a state which deserves so well at our hands, against the judgment of antiquity, against the decision of the senate. For formerly in the stormy times of our state, when Carthage, most powerful by sea and land, and supported by the two Spains, was threaten-

ing this empire, and when the two thunderbolts of our empire, Cn. and P. Scipio, had suddenly been extinguished and slain, L. Marcius, a centurion of the first rank, is said to have concluded a treaty with the Gaditani. And since this was upheld more by the loyalty of that people, by our justice, by its being of such long-standing, than by any public obligation sanctioned by religion, some wise men, thoroughly acquainted with state law, Gaditani, in the consulship of M. Lepidus and Q. Catulus, made a demand from the senate regarding the treaty. On that occasion the treaty with the Gaditani was either renewed or concluded; and concerning this treaty the Roman people passed no resolution, and they can in no way be bound by any religious obligation without their own consent. 35. So the state of the Gaditani obtained what it could obtain by reason of its services to our republic, by the evidence of our generals and the length of its connection with us, by the influence of Q. Catulus, a man of the highest rank, and by the decision of the senate, and by the treaty; that which could only be sanctioned by a solemn pledge on the part of the people, it has not got, for the people never bound themselves. Nor is the case of the Gaditani weaker on that account, for it is supported by very many circumstances of the greatest importance. But assuredly there is in this no ground for your contention. For nothing can be inviolable unless it has received the approval of the whole people, or the popular assembly.

XVI. But if the Roman people had by their votes ratified this treaty, which they ratify by their goodwill and opinion, in consequence of the suggestions of the senate and the commendation and decision of antiquity, what reason was there in the treaty itself why it should not be lawful for a Gaditane to be admitted to our citizenship? For there is nothing in the treaty other than this, "that there shall be a conscientiously kept and eternal peace." What has this to do with citizenship? That provision, too, is added which is not included in all treaties—"they must cordially aid in maintaining the dignity of the Roman people." This is the purport of this provision, that they are worst off as regards the treaty. 36. In the first place, this expression, "they must

aid in maintaining," which we are wont to use in statutes rather than in treaties, applies to one who commands, not to one who supplicates. In the next place, when there is an injunction that the dignity of one of the nations is to be maintained, while no mention is made of the other, assuredly that nation is placed in the higher rank and position, the dignity of which is safeguarded by the penalties decreed under the treaty. And, as regards this point, the interpretation of the accuser deserved no answer, as he asserted that "cordially" really meant "jointly," as if, indeed, he were explaining the meaning of some ancient or unusual word. Kindly, good-natured, pleasant men are said to be cordial: "he who cordially points out the road to one who has lost his way" does so with goodwill, and not grudgingly; the word "jointly," at any rate, is assuredly not appropriate. 37. And at the same time it is absurd that it should be provided by the treaty that they should "jointly" assist in maintaining the dignity of the Roman people—that is, that the Roman people should wish its dignity to be secure. But if it, after all, were so, which it cannot be, nevertheless the stipulation would be made about our dignity, not at all about theirs. Can, then, our dignity be cordially maintained by the Gaditani if we cannot by rewards attract the Gaditani to preserve it? Can there, in short, be any dignity if we are prevented from conferring on our generals through the Roman people the power of bestowing favours in return for distinguished services?

XVII. 38. But why do I use such arguments as would seem to me to be capable of being advanced with truth if the Gaditani were pleading against me? For I should reply to them, were they demanding the return of L. Cornelius, that the Roman people had sanctioned a law concerning the granting of the citizenship; that nations are not usually the ratifiers of such laws; that Cn. Pompeius conferred on this man the citizenship in accordance with the advice of the senate; that the Gaditani can point to no definite enactment of our people; and thus that they have nothing sacrosanct which might seem to be excepted by the law; that, even if they had, nothing is provided for in the treaty except peace; that this provision also has been added, that they must assist to

maintain our dignity, which would certainly be lessened if it were not permitted to us to make use of the aid of their citizens in war, or if we had no power of bestowing rewards upon them. 39. But as it is, what can I say against the Gaditani when the cause which I plead is sanctioned by their goodwill, by their decision, even by an embassy from them? Men who have turned away their hearts from the founders of their race, from their zeal for that state—ay, from all interest in, and fellow-feeling for, the Pœni—to our empire and name; who, when mighty wars were being waged against us, shut out from their city those by whom they were being waged, pursued them with their fleets, repelled them by their personal efforts, with their wealth, with their resources; who considered even that old semblance of a treaty made with Marcius more inviolable than any altar, and thought that by this treaty of Catulus and the sanction of the senate they were brought into closest union with us; whose walls, shrines, and lands our ancestors fixed as the limit of our empire and of the name of the Roman people, just as Hercules made them the limits of his journeyings and labours. 40. They call to witness our dead generals, too, whose memory and fame will live for ever—the Scipiones, the Bruti, the Horatii, the Cassii, the Metelli, and Cn. Pompeius who is here with us, whom, when he was engaged far from their city in a mighty contest, they aided with supplies and money, and at this present time the Roman people itself, whom, at a time when provisions were dear, they aided with supplies of grain—that they wish this right to be established, that for themselves and their children, should any show conspicuous worth, there should be a place in our camp, in the tents of our generals—in short, with our standards and in our army, and that by these steps they should even be able to rise to the citizenship.

XVIII. 41. But if it is permitted to the Africans, to the Sardinians, to the Hispani, though mulcted in land and tribute, to obtain our citizenship by approved excellence, while this same privilege shall not be extended to the Gaditani, though they are united to us by their services, by prescriptive right, by their loyalty, by the dangers they have incurred for us, by treaty; they will think not that they have a treaty with us, but that most unjust laws have been im-

posed on them by us. And the facts of the case, judges, show that these statements of mine are not hypothetical, but that I am expressing the actual sentiments of the Gaditani. I say that many years ago the Gaditani, on behalf of the state, constituted L. Cornelius their patron. I will produce the tally ; I call the ambassadors ; you see most eminent and noble men sent to this trial to eulogize him, to plead against his danger ; in fine, when the matter was long ago heard of in Gades, that he would be exposed to danger at the hands of that man, the Gaditani passed the most weighty decrees against that man, their own fellow-citizen. 42. Could the people of Gades more thoroughly ratify their treaty, since you are so much pleased with this word, if it ratified it, by approving by formal vote of our decrees and ordinances, than by constituting him their patron, so as to admit that he had changed his state, and to pronounce him most worthy of the honour of our citizenship ? Could it have put in a more decided expression of its opinion, than when it even stigmatized his accuser with fine and punishment ? Could it have given a clearer judgment on the case than it has done, by sending to your court a deputation of its most distinguished citizens to testify to this man's authority, to eulogize his life, to plead against his danger ? 43. For who is so mad as not to feel that this right must be upheld by the Gaditani, that the road to this most honourable reward, our citizenship, may not be barred to them for ever ; and that they have special cause for rejoicing, in that the goodwill of L. Cornelius here towards his fellows remains at Gades, that his popularity and his power of speaking in their favour are exercised in this state ? For who of us is there to whom that state is not held in higher honour by reason of this man's zeal, solicitude, and diligence ?

XIX. I say nothing about the great distinction with which C. Cæsar, when he was praetor in Hispania, treated this people : how he allayed strife ; how he established their laws by their own permission ; how he effaced a long-standing barbarism from the customs and institutions of the Gaditani ; how, at the request of this man, he bestowed upon that state his keenest interest, the greatest favours in his power. I pass over many things which they obtain daily, either altogether,

or at any rate more easily, by this man's efforts and zeal in their behalf. And so the chief men of his state both are present and defend him, by their love as their own fellow-citizen, by their testimony as ours, by their good offices as their most honoured patron, as he once was their most distinguished citizen, by their goodwill as a most diligent defender of their interests. 44. And lest the Gaditani themselves should think that, although they are not placed at any disadvantage, if it is permitted to their citizens to enter our state as a reward of merit, nevertheless their treaty is on a lower footing than all the rest by reason of this very circumstance, I will comfort both these distinguished men who are here present, and that state which is most loyal and friendly to us, at the same time that I remind you, judges, of what you know so well,—that there has never been any doubt whatever about the point of law regarding which this inquiry has been instituted.

45. Whom, then, do we consider to be the most skilful explainers of treaties, the most learned in the laws of war, the most accurate investigators of the terms made with states and their position with regard to us? Those, assuredly, who have managed governments and wars.

XX. For if Scævola, the famous augur, when his opinion was asked as to the law relating to the sale of state securities, though himself a man most learned in the law, used sometimes to refer those who came to consult him to Furius and Cascelleius, the buyers of such securities; if we, on the question of our water at Tusculum, consulted M. Tugio rather than C. Aquilius, because constant practice devoted to one subject often prevails over both ability and skill; who can hesitate, in matters connected with treaties and all the laws of peace and war, to prefer our generals even to the most learned lawyers? 46. May we, then, recommend to you C. Marius, as authority for a case in point, and for that course of action which you blame? Can you ask for anyone more influential, more consistent, more conspicuous for virtue, wisdom and conscientiousness? He then presented with the citizenship M. Annius Appius, an Iguvian, a most valiant man, and endowed with the highest virtues; and he also conferred the citizenship on two whole cohorts of the

Camertes, though he knew the treaty with the Camertes to be the most inviolable and just of all the treaties. Can L. Cornelius be condemned, then, judges, so that the act of C. Marius shall not be condemned also? 47. For a short time, then, let that famous man be present in your thoughts, since he cannot actually appear before you, that you may see him with your mind's eye, since you cannot see him with your bodily eyes. Let him say that he was not inexperienced in treaties, not unversed in precedents, not ignorant of war; that he had been the pupil of Publius Africanus and had fought under him; that he had been instructed by active service and by warlike missions; that if he had only taken in hand as many wars as he carried through to their conclusion, if he had only served under as many consuls as the times he had been consul himself, he could have thoroughly learned and mastered all the laws of war; that he had never doubted that he could not be hindered by any treaty from doing good service to the public interest; that a very brave man had been chosen by him from a most closely allied and most friendly state, and that neither in the treaty with the Iguvinites nor the Camertes was any provision inserted precluding their citizens from having rewards for distinguished merit conferred on them by the Roman people.

XXI. 48. Accordingly, when, a few years after this gift of the citizenship, a very keen investigation into the civil rights of individuals had been made in accordance with the Licinian and Mucian law, was any one of those from the federate states who had been presented with the citizenship brought into court? For T. Matrinius of Spolegium, who came from a Latin colony which was one of the strongest and most famous, was the only one of those whom C. Marius had presented with the citizenship who had to speak in defence of his rights. And when that eloquent man L. Antistius was prosecuting him, he did not say that the people of Spolegium had not ratified their treaty (for he saw that peoples were wont to become ratifiers with reference to their own rights, not to ours), but that, since colonies had not been established in accordance with the provisions of the Apuleian law, by which law Saturninus proposed in the time of C. Marius that he should be able to make three men for

each colony Roman citizens, this favour should not be confirmed when the right of giving it was withdrawn. 49. This charge of yours has no resemblance to that one ; but still, so great was the personal influence of C. Marius, that he defended and won that case, not by L. Crassus, his relation, a man of incredible eloquence, but himself, with a few words ; so much importance was attached to his opinion. For who could there be, judges, to wish that the right of singling out those of highest worth should be taken away from our generals, in the field or in battle, when commanding the army ; that the hope of reward should be taken away from our allies and those united to us by treaty in defending our republic ? But if the face of C. Marius, his voice, the imperious fire of his look, his recent triumphs, his mien as he stood before them then prevailed, let the authority, let the achievements, let the memory, let the undying fame, of that bravest and most illustrious of men, prevail now. Let this be the distinction between citizens who are popular and those who are brave, that the former shall enjoy their power in their lifetime, but that the authority of the latter shall be imperishable even when they are dead, if any defender of this empire can die.

XXII. 50. Why ? Did not Cn. Pompeius, the father, after splendid achievements in the Italian war, confer the citizenship on P. Cæsius of Ravenna, one of a federate people, who is still alive, a Roman knight now, and a most excellent citizen ? Did not C. Marius confer it on two whole cohorts of the Camertes ? Did not P. Crassus, a most distinguished man, confer it on Alexa of Heraclea, a citizen of a state with which an almost unique treaty is thought to have been concluded in the times of Pyrrhus, when C. Fabricius was consul ? Did not L. Sulla confer it on Aristo of Massilia ? Nay, since we are talking of the Gaditani, did he not also confer it on nine Gaditanian householders ? Did not Q. Metellus Pius, a most just man, a man characterized by the greatest conscientiousness and propriety of conduct, confer it on Q. Fabius, a Saguntine ? Did not he who is now here present, M. Crassus, a man not only pre-eminent in influence and wisdom, but also even too sparing in bestowing the citizenship, by whom all these matters on which I am now

hastily touching were elaborated in minutest detail, bestow it on a citizen of Avenio, a member of a federate state? 51. Do you here endeavour to invalidate the favours, or rather the judgment and the action, of Cn. Pompeius, who has done what he had heard that C. Marius had done—who has done what he had heard that P. Crassus, that L. Sulla, that Q. Metellus, that M. Crassus had done—what, in fine, he had seen his own father, the model to his household, do? Nor, in truth, did he do this in the case of L. Cornelius alone. For he presented with the citizenship Hasdrubal also, of Gades, immediately after that African war, and the Ovii of Messana, and certain inhabitants of Utica, and the Fabii of Saguntum. For those who by their own personal toil and danger defend our republic are not only worthy of all other rewards, but are also assuredly most worthy of having bestowed on them that citizenship on behalf of which they have braved dangers and weapons. And would that all those who are anywhere the champions of this empire could receive this citizenship, and that, on the other hand, the assailers of the common weal could be banished from the state! For our greatest poet did not mean that exhortation to be Hannibal's more than any other general's. "He who strikes the foe shall be," said he, "a Carthaginian to me, whoever he may be, to whatever country he may belong." This they hold, and always have held, to be of slight importance, and so they have both enrolled among their citizens brave men from all quarters, and have very often preferred the worth of the lowly-born to the lack of energy of the noble.

XXIII. 52. You have the interpretation put upon the law and the treaties by the greatest generals and the wisest men—the men of the highest distinction. I will also give you the meaning attached to them by the judges who have been appointed to conduct this inquiry; I will give the meaning attached to them by the whole Roman people; I will give the most venerable and sapient decision of the senate also. As the judges made no secret of, and openly talked about, what their verdict would be, when the people of Messana were agitating for the recall of M. Cassius under the Papian law, the people of Messana gave up the case though it had

been taken up as a state question. Many men have been admitted to the citizenship who have been released from free and federate peoples, but no one has ever been arraigned on the ground of his exercising civil rights, either because his nation had not formally ratified their treaty, or because by the treaty his right of changing his state was barred. 53. I will even dare to assert this, that no one was ever condemned who was known to have been presented with the citizenship by a general of ours. Now learn the judgment of the Roman people declared on many occasions, and established by fact and custom in cases of the greatest importance. Who does not know that a treaty was concluded with the Latin nation in the consulship of Sp. Cassius and Postumus Cominius? And even lately we remember that this was to be found engraved and inscribed on a brazen column behind the Rostra. How, then, was L. Cossinius of Tibur, the father of the Roman knight now alive, a most worthy and accomplished man? After the conviction of T. Cælius, how was Titus Coponius, of the same state, also a citizen of the highest worth and distinction—you know his grandsons, T. and C. Coponius—after the conviction of C. Maso, made a Roman citizen? 54. Could a way of approach to the citizenship be opened by eloquence and ability, while it could not be opened by feats of arms and valour? Or was it permitted to those allied to us by treaty to take spoils from us, while it was not allowed to take them from our enemies? Or were they not allowed to obtain by fighting what they could procure by speaking? Or was it the pleasure of our fathers that the prosecutor should be more richly rewarded than the warrior?

XXIV. But if our foremost men, our most influential and wisest citizen, by popular decree suffered this way of approach to the citizenship to be open to the Latins—that is, to federate peoples, by that very stringent law of Servilius—and this right was not disputed by the Licinian and Mucian law, especially when the very nature of the accusation, and its name, and its reward such that no one could obtain it except by causing misfortune to a senator, could not be very pleasing either to a senator or any honourable man—was it open to question that in a matter where the boon now in the courts was allowed validity, in the same matter the decisions

of generals were of authority? Are we, then, to think that the Latin peoples ratified either the Servilian law, or all the other laws by which the reward of the citizenship was held out to the men of Latium, in return for services of some kind or other? 55. Learn now the decision of the senate, which has always been confirmed by the decision of the people. Our fathers, judges, wished that the rites of Ceres should be performed with the greatest scrupulousness and ceremony; and since these rites had been introduced from Greece, they were always presided over by Grecian priestesses, and all the terms used were Greek. But while they chose from Greece her who was to teach and perform this Greek worship, still they wished that a citizen should perform the rites on behalf of the citizens, that she might pray to the immortal Gods with the superior knowledge of a foreigner and an alien, but with the feelings of a native and a citizen. I see that these priestesses were generally natives of Neapolis or Velia, undoubtedly members of federate states. I pass over the older instances. I quote this, that immediately before the citizenship was conferred on the people of Velia, C. Valerius Flaccus, the Prætor Urbanus, in accordance with a resolution of the senate, proposed Calliphana, a woman of Velia, by name to the people for the citizenship. Are we, then, to suppose either that the Velians were ratifiers of the proposal, or that that priestess was not made a Roman citizen, or that the treaty was violated both by the senate and by the Roman people?

XXV. 56. I quite understand, judges, that in a case so clear, which leaves so little room for doubt, much more has been said, and said by more men most skilled in these matters, than the occasion demanded. But this has been done, not that we might demonstrate to you by our words a matter so self-evident, but that we might discourage all the malevolent, the unfair, and the jealous; and that the accuser might excite such feelings, that certain speeches of men who are distressed by the prosperity of others might reach even your ears and abound in the court itself. For this reason you saw those accusations mingled with the greatest skill in every part of his speech:—now about the wealth of L. Cornelius, which is not so great as to be worth envying, and which,

however great it may be, is of such a nature as to seem rather to have been acquired by saving than by greed ; now about his luxury, which was not stigmatized by any specific charge of riotous living, but by a general evil report ; now about his Tusculan mansion, which he (the accuser) remembered to have belonged to Q. Metellus and L. Crassus, and that Crassus had bought it from a freed man, Sotericus Marcius ; that it had come into Metellus's possession out of the property of Vennonius Vindicius he did not remember. And he also was ignorant of this, that there is no clanship in the case of lands, and that they are frequently wont to pass by purchase to strangers, often to the lowest, and do not pass by law like wards. . 57. It has also been cast up against him that he managed to become a member of the Crustumian tribe ; but this he succeeded in obtaining as a reward under the law concerning bribery, much less odious than those by which some men obtain a pretor's vote, a magistrate's robe. And his adoption by Theophanes has been discussed, by which Cornelius obtained nothing but the right of inheriting the property of his own relations.

XXVI. Nevertheless, it is not a very difficult matter to assuage the feelings of those who envy Cornelius himself ; they envy him after the fashion of men, they backbite him in their social meetings, they carp at him in their clubs, they pull him to pieces, not with the tooth of enmity, but that of wantonness. 58. Those who are either the enemies of, or envious of, the friends of L. Cornelius are much more to be feared by him. For who was ever found to be an enemy of this man himself, or who could justly be so ? What good man did he not make his friend ? To whose fortune and high standing has he not given way ? Enjoying the intimate friendship of a most powerful man in times of great trouble and discord in our state, he has never offended any one of those who held different views or belonged to the other party, by any act, or word, or even look of his. This was either my fate or that of the republic, that on me alone fell all the downward rush of this crisis in our state. Not only did Cornelius not exult in our downfall and your degradation, but with all good offices, with tears, with assistance, with consolation he relieved all my friends in my absence. 59. And in consequence of the testi-

mony and prayers of these, I render in return the service which he has so well deserved, and as I said at the beginning, this gratitude which is so justly his due, and I hope, judges, that, as you love and hold dear those who were foremost in maintaining my safety and my honour, so what has been done by this man, considering his powers and his position, has been pleasing, and has commended itself to you. He will not then be hard pressed by his own enemies, but by the enemies of his friends, who are numerous and powerful; whom, indeed, Cn. Pompeius, in his eloquent and weighty speech yesterday, bade contend against himself if they pleased; but he called on them to abandon this unequal struggle and unjust contest.

XXVII. 60. And it will be a law just and exceedingly useful both to ourselves, judges, and to all who are associated with us in friendship, ourselves to carry on our enmities among ourselves, and to spare the friends of our enemies. And if my authority had sufficient weight with them in this matter, especially as they know that I have gained my knowledge by changes of fortune and personal experience, I would call on them to abandon these more serious dissensions also. For to contend on a matter of importance to the state, when you are defending that which you feel to be the best, I have always thought to be characteristic of brave and great men, and I have never been found wanting in regard to this task, this duty, this office. But contending is only wise so long as it serves some good purpose, or, if it does not serve, is not hurtful to the state. 61. We desired certain things, we strove for them, we tried to get them, but we failed to obtain them. Some grieved in silence; we exhibited our grief and sorrow openly. Why should we choose rather to overthrow than to uphold that which we cannot change? The senate distinguished C. Cæsar with a most honourable form of thanksgiving and one of an unprecedented number of days. And though the public resources were then much straitened, they bestowed pay on the victorious army, assigned ten lieutenants to the general, and by the Sempronian law voted that no successor should be appointed to him. These votes I proposed and supported, for I did not think that I should consistently maintain my previous objections in preference to

adapting myself to the circumstances, and to the promotion of concord in the state. Others do not think with me in this matter. It may be that they are more stable in their opinions. I blame no one, but I do not agree with all, and I do not think that I am necessarily inconsistent if I direct my opinion in accordance with the weather of the state as if I were steering a ship. 62. But if there are any whose hatred of those against whom they have once conceived it never ends, —and some such men I see—let them fight with the leaders themselves, and not with their attendants and followers. For the former course some perchance will think obstinacy, others virtue, but the latter all will think to be injustice joined with some measure of cruelty. But if we can by no reasoning propitiate the minds of certain men, I am quite convinced that your minds, at any rate, have been propitiated, not by my oratory, but by your own good feeling.

XXVIII. 63. For what reason is there why his friendship with Cæsar should not rather be considered a great credit to him than the smallest detriment? He made his acquaintance while a youth; he found favour with a most experienced man; he was placed on an equal footing with the most intimate of his friends, numerous as they were. In his prætorship, in his consulship, Cæsar named for reward his chief engineer; he esteemed highly the man's understanding, he comprehended his loyalty, he appreciated his services and his attention. At various times this man has shared with him in many laborious enterprises, and it may be that now he shares with some advantages. Should all these things tell against him with you? I do not know what good quality is likely to serve anybody with such men. 64. But since C. Cæsar is now very far away, and is now in places which with their territory bound the world, and by his achievements mark the limit of the Roman empire; by the immortal gods, judges, do not decide that this cruel message is to be brought to him, so that he should hear that his chief engineer, his dearest and most intimate friend, not for any fault of his own, but because of his friendship with him, has been crushed by your vote. Pity the man who is contending, not in defence of any offence of his own, but of an act of this great and illustrious man; not concerning any charge brought

against himself, but at his own risk concerning a question of public right. But if Cn. Pompeius was ignorant of the law, and M. Crassus, and C. Marius, and the senate, and the Roman people, and those who have decided a similar case, and the federate peoples, and the allies, and the old Latini, consider if it be not more expedient and more honourable for you to err under the guidance of such men than to be instructed with this man as your teacher. But if you see that you have to decide on a certain clear, expedient, proved, practically settled point of law, beware of so acting as to come to any new decision regarding a matter so established by custom. 65. At the same time, judges, set before yourselves all these considerations :—first, that even after death all those illustrious men are arraigned who have conferred the citizenship on federate peoples, then the senate which decreed this, the people who confirmed it, the judges who approved of it. Then think of this, too, that such is and has been the life of Cornelius, that though all other men are tried for wrongdoing, he is brought to trial, not to be punished for his offences, but to defend the reward conferred on him for his virtues. And think of this as well, that by this trial you are deciding whether hereafter you choose the friendships of distinguished men to be a misfortune or a distinction to their fellows. And finally, judges, keep this fixed in your minds, that in this case you are about to give a decision, not about the wrong-doing of L. Cornelius, but about the well-doing of Cn. Pompeius.

March, 1890.



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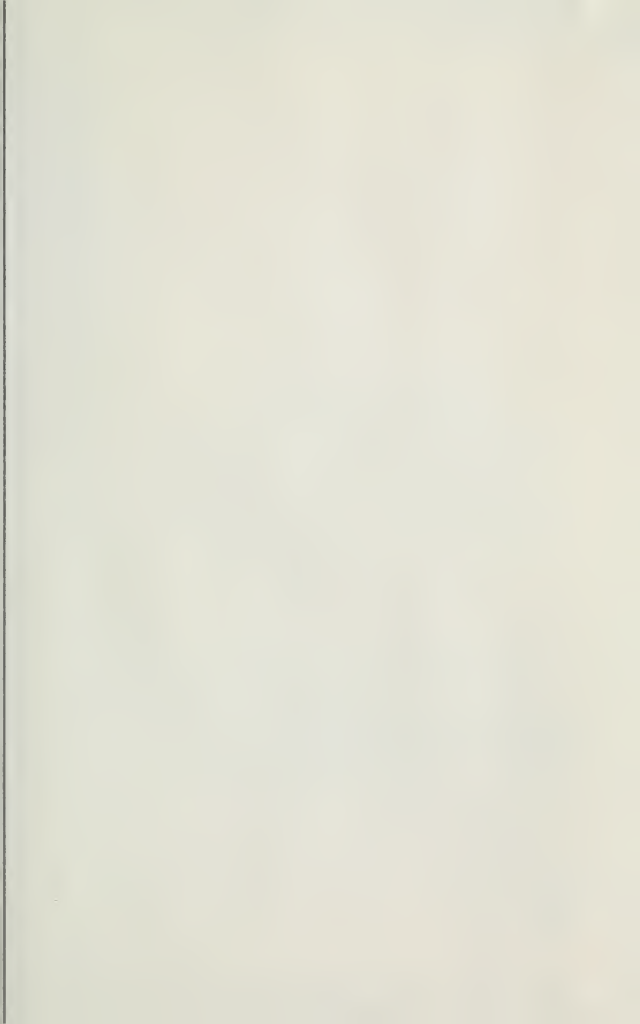
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